



PUBLIC TRUST & CONFIDENCE IN THE JUSTICE SYSTEM
The Wisconsin Initiative

Action Plan ■ October 2000

Public Trust and Confidence

A project of the Office of the Chief Justice of the Wisconsin Supreme Court, the Director of State Courts,
the League of Women Voters of Wisconsin, Inc., and the State Bar of Wisconsin

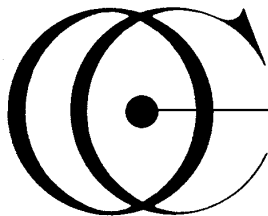
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To All Concerned:

Examining the state of public trust and confidence in the judicial system has been an enlightening and humbling experience. We have confirmed that we are doing some things very well. Most citizens, for example, are confident that the Wisconsin Justice System is free from overt bias and dishonesty. It is humbling, however, to learn of the deep alienation felt by some citizens and to realize how ineffective we have been in educating the public about their system of justice. The committee has worked hard to recommend practical approaches to addressing the areas where confidence or basic understanding is most lacking. This process has also enabled us to learn of many effective initiatives already underway, and which deserve our strong support. The responsibility for increasing trust and confidence in the judicial system rests most squarely with those of us who work in the system. We must also encourage others to join us in finding and implementing solutions. The committee hopes that our work will serve to educate and challenge our colleagues to be leaders in the effort to ensure that the citizens we serve trust their legal system to operate fairly, efficiently, and free from bias.

I would like to thank and acknowledge members of the committee for their hard work, interesting analysis, and stimulating discussion of these important issues. We received outstanding support from Trina Gray and Linda Barth from the State Bar of Wisconsin and John Voelker, Executive Assistant to Chief Justice Abrahamson, who staffed the committee. The American Bar Association encouraged our efforts and provided funding for the focus groups used in Phase II of our work.

The Public Trust Steering Committee was created by the joint efforts of Chief Justice Shirley S. Abrahamson, State Bar of Wisconsin President Leonard L. Loeb, Director of State Courts J. Denis Moran, and Wisconsin League of Women Voters President Kathy Johnson. We thank these sponsors for their initiative and support and hope that the work of this committee will foster further collaboration efforts to enhance the public's trust and confidence in the justice system.

Respectfully submitted,

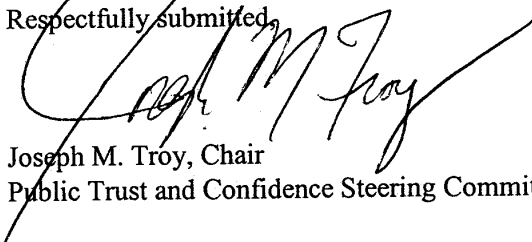

Joseph M. Troy, Chair
Public Trust and Confidence Steering Committee

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Public Trust & Confidence Steering Committee

Chief Justice and Director of State Courts Appointees

Hon. Joseph M. Troy, Outagamie County Circuit Court (committee chair)
Hon. Carl Ashley, Milwaukee County Circuit Court
Hon. Patience D. Roggensack, Wisconsin Court of Appeals, District IV
Ms. Claudia Singleton, Clerk of Court, Jackson County Circuit Court

State Bar of Wisconsin Appointees

Atty. Derek Mosley, Assistant District Attorney, Milwaukee County
Atty. Eileen Hirsch, Assistant State Public Defender, Appellate Division Office, Madison
Atty. Tom Bailey, Bailey Law Offices/Milwaukee County Supervisor

Wisconsin League of Women Voters Appointees

Ms. Deb Augustyn, Fond du Lac County League of Women Voters
Ms. Melanie Ramey, Dane County League of Women Voters
Atty. Cheryl Daniels, Dane County League of Women Voters

Public Trust & Confidence Staff

Ms. Linda Barth, Public Affairs Director, State Bar of Wisconsin
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Committee Member Biographies

HON. CARL ASHLEY

Judge Ashley was elected to the Milwaukee County Circuit Court without opposition in 1999, making him the first African-American judge to be elected in Wisconsin without initially being appointed by a governor.

Judge Ashley has a diverse background, which has contributed to his growth and his many accomplishments. After practicing law for seven years in the State Public Defender's Office, he started his own law firm, where he practiced criminal, personal injury, family, and juvenile law. He is the past president and a present member of the Wisconsin Association of Minority Attorneys. Additionally, he has served as a board member for numerous organizations, including the Milwaukee Bar Association, Legal Action of Wisconsin, and the Marquette University Law School Alumni Association.

Some of Judge Ashley's awards include Volunteer of the Year for the Metropolitan Fair Housing Council, 1993; Recipient of the Black Excellence Award, 1995; Excellence in Community Service Award from the Career Youth Development, 1995; and co-recipient of the State Bar of Wisconsin's 1999 Educational Lawyer of the Year.

Judge Ashley was born and raised in Milwaukee, Wisconsin, and graduated from Marquette University Law School in 1983. He and his wife have two daughters.

MS. DEBRA AUGUSTYN

Ms. Augustyn has a degree in music performance and paralegal studies. She has worked in bankruptcy, family law and business law. She is currently the vice-president of Wisconsin League of Women Voters (LWV). She has a long record of service in the community, including: the LWV of Fond du Lac; the LWV of Wisconsin Legislative Committee; the Wisconsin Council of Children and Families; Prisons, Mental Illness and Substance Abuse; National Alliance of Mentally Ill; Healing Paws, pet therapy for local hospitals and institutions; Master Gardeners of Fond du Lac County; and various local environmental groups. Ms. Augustyn is married and has two daughters.

ATTY. THOMAS A. BAILEY

Atty. Bailey, a graduate of Marquette University Law School, is engaged primarily in the practice of family law throughout Wisconsin. He is qualified to practice law before the United States Supreme Court and other subordinate state, federal, and military courts.

Since 1990, Atty. Bailey has been selected by his fellow lawyers to be listed in "Top Lawyers in Milwaukee," an annual feature in *Milwaukee Magazine*. Since 1991, he also has been listed in *Best Lawyers in America*. Additionally, he has been awarded Martindale-Hubbell National Law Directory's highest rating.

Among his other activities Atty. Bailey has served as chairman of the State Bar of Wisconsin's Family Law Section, president of the Milwaukee Bar Association, and court commissioner for the Milwaukee County Circuit Court. He is an author of *Family Law Casenotes and Quotes*, a collection of case summaries involving family law issues.

ATTY. CHERYL FURSTACE DANIELS

Atty. Daniels has worked as the Administrative Law Judge (ALJ) for the Wisconsin Department of Agriculture, Trade and Consumer Protection since 1988. Prior to being the Department's ALJ, she was Legal Counsel for the Wisconsin Legislative Audit Bureau.

Atty. Daniels has both a law degree and a Master's degree in Public Policy and Administration from the University of Wisconsin-Madison. She is immediate past president of the League of Women Voters of Dane County, Inc., and has just retired from the Board of Governors for the State Bar of Wisconsin.

ATTY. EILEEN A. HIRSCH

Atty. Hirsch is an Assistant State Public Defender in the Madison Appellate Office. She received her law degree from the University of Virginia Law School and clerked for a federal district judge, the Hon. James E. Doyle. She has served as a staff attorney for the Youth Policy and Law Center and for the trial and administrative divisions of the State Public Defender's Office. She is currently a member of the Board of Governors for the State Bar of Wisconsin.

ATTY. DEREK MOSLEY

Atty. Mosley, a 1995 graduate of Marquette University Law School, is an assistant district attorney in Milwaukee County. After gaining experience in the misdemeanor, juvenile, and felony divisions, Atty. Mosley joined the first-ever Community Prosecution Unit in July 2000, a division of the Milwaukee County District Attorney's Office. As a community prosecutor, Atty. Mosley partners with prosecutors, law enforcement, public and private agencies, and the community in order to proactively fight crime and help solve quality-of-life crime problems.

HON. PATIENCE D. ROGGENSACK

Judge Roggensack was elected to the Wisconsin Court of Appeals, District IV, in 1996. Prior to her election, she was a partner with DeWitt, Ross & Stevens, a Madison law firm. She has served as a co-chairperson for the State Court/Tribal Court Planning Committee and as a member of the Publications Committee for the Court of Appeals.

Judge Roggensack is a fellow of the American Bar Foundation and a member of the American Judges Association, the National Association of Women Judges, the American Bar Association, the State Bar of Wisconsin, the Dane County Bar Association, and Judicature. She is a frequent guest lecturer at civic organization meetings throughout the state, the University of Wisconsin Law School, and Madison Area Technical College.

MS. CLAUDIA SINGLETON

Ms. Singleton has served as the Jackson County Clerk of Court since 1981. Previously, she was the Jackson County Register in Probate. During her time as the Register in Probate, she was appointed by the judge as a part-time Court Commissioner to hear bond hearings in the judge's absence. Ms. Singleton was also appointed by the chief justice to the OAR/OWI Task Force and is a member of the Circuit Court Automation Project Advisory Committee and the Jail Study Committee for Jackson County. She is a past secretary for the Clerk of Court's Association and a former member of its Executive Committee.

Residing in Black River Falls with her husband, Ms. Singleton speaks to organizations and students in the community regarding the duties of the clerk of court's office and jury duty. She is a member of the Coordinated Community Response Team for Domestic Abuse and assists in organizing local seminars and presentations on domestic abuse.

HON. JOSEPH M. TROY

Judge Troy has served as a circuit court judge for Outagamie County since 1987. He is currently Chief Judge of the 8th Judicial District. A graduate of University of Wisconsin Law School, Judge Troy was a partner with Herrling-Clark, a law firm in Appleton, Wisconsin, prior to serving on the bench. Judge Troy is currently serving his seventh year on the Wisconsin Jury Instructions Committee. Additionally, he has served on statewide task forces regarding changes in the Wisconsin drunk driving law, the use of volunteers in the court system, and changes in juvenile law.

In 1994, Judge Troy and other attorneys established Wisconsin's juvenile mentoring program, "Clean Break." This award-winning program matches youths with adult mentors in the community and involves youths in community service, family counseling, and prison visits. Judge Troy also teaches law at the University of Wisconsin-Oshkosh, Fox Valley Technical College, and at various judicial and attorney conferences. He lives in Appleton with his wife and four daughters.

Executive Summary

October 2000

Introduction:

In May 1999, the American Bar Association, the Conference of Chief Justices, the Conference of State Court Administrators, and the League of Women Voters sponsored a National Conference on Public Trust and Confidence in the Justice System. The national conference recognized that public confidence in the courts is important because it is inherently related to the concept of judicial independence, a basic tenet of our democratic system and the rule of law.

A seven-member team consisting of court system, State Bar, and media professionals represented Wisconsin. The overall goal of the conference was to provide an opportunity for lawyers, judges, and members of the public to address issues of public trust and confidence.*

In response to the national conference, Wisconsin Supreme Court Justice Shirley Abrahamson, the Wisconsin Director of State Courts, the State Bar of Wisconsin, and the Wisconsin League of Women Voters sponsored a state project on public trust and confidence in the Wisconsin justice system.

Process:

A Steering Committee (the Committee) was established for the project. The Committee was comprised of ten members—three appointed by the State Bar of Wisconsin, four by the Chief Justice and the Director of State Courts and three by the Wisconsin League of Women Voters.

The project consisted of three phases:

1. Researching and Identifying Issues Concerning Public Trust and Confidence;
2. Gathering Input from Public Focus Groups; and
3. Creating A Public Trust and Confidence action plan.

Phase One: Issue Identification

Beginning with the wealth of recent national and local information concerning the issues of public trust and confidence, the Committee reviewed the current, relevant public studies and surveys. The Committee reviewed the 1999 National Center for State Courts telephone survey about public trust and the 1998 American Bar Association telephone survey. The Committee also reviewed the 1996-97 Wisconsin Consumer Survey, which consisted of mail

* See appendix for *Wisconsin State Journal* article, May 6, 1999.

surveys, exit surveys of court users, and telephone surveys. Statistics from all three surveys, as well several other state and national reports are referenced throughout the action plan.*

Using national and state research and the Committee members' experience in the justice system, the Committee identified twelve issues that create barriers to public trust and confidence in the Wisconsin justice system. With each issue, the Committee also identified current initiatives dedicated to the issues, and then prioritized all issues based on their importance to improving public trust and based on their ability to be addressed.

Phase Two: Focus Groups

The Steering Committee was composed mainly of justice system “insiders.” Although the list of issues was based on public perception studies and national surveys, it was important to test the list with Wisconsin citizens. The goal of the focus group phase was to solicit input from people “outside the justice system” on issues that affect people’s trust and confidence in the system, and then revise the list of issues to reflect the concerns of the Wisconsin public.

In spring 2000, five focus groups were held in three cities: Milwaukee (the largest city in the state), Appleton (a mid-sized city in a rural/suburban county in the Fox Valley), and La Crosse (a mid-sized city on the western border of the state). Three of the focus groups were “experienced” people, people who had a recent encounter (within a year) with the system (e.g. former offenders and their families, former civil litigants, and former jurors). The other two focus groups were comprised of randomly selected people, with no one recruited to represent a particular interest.

The Steering Committee narrowed the issues to four topics and organized the focus groups according to those topics. Professor Laura Hartman, Chair of Business Ethics for University of Wisconsin Grainger Business School, facilitated the focus groups and completed a “Final Report of Focus Group Discussions.”

Experienced focus group in La Crosse

Composition: Recent civil litigants, no income requirements

Topic: Burdensome/complex civil litigation

Experienced focus group in Milwaukee

Composition: Minority residents in Milwaukee, low-income

Topic: Unequal treatment of people in the justice system

Experienced focus group in Appleton

Composition: Recent jurors, no income requirements

Topics: Selection and treatment of juries

Integrity/Civility of attorneys and judges inside and outside the courtroom

Milwaukee and Appleton randomly-selected focus groups

Composition: Randomly selected

Topic: Overall impression of the justice system in a free-flow discussion format

* Executive summaries of the surveys that are referenced throughout the action plan are included in the appendix, and are denoted in the action plan by the following acronyms:

American Bar Association — ABA

Criminal Penalties Study Committee — CPSC

National Center for State Courts — NCSC

Based on the input from the focus groups, the Committee added two issues to its final action plan—the dissatisfaction with the juvenile justice system and the lack of empathy in the justice system. These issues had not been identified by the Committee as being of “high” importance to public trust and confidence, however the input from the focus groups revealed the public concern that surrounds these two issues.

Phase Three: Action Plan

The Steering Committee synthesized its research with focus group reaction to develop an action plan to more effectively direct community, government, and justice system resources toward improving the justice system and promoting public trust and confidence in it. It is important to note the process of issue identification and modification in order to understand the obvious voids in the action plan in the areas of family law and pro se litigation. There are two reasons for this. First, the Committee recognized those issues as paramount to public trust and confidence, but felt that other entities in the justice system were either actively researching and devising recommendations for improvement or other entities were more apt to provide a deeper analysis.

Second, just as the focus groups identified issues that the Committee had not, surprisingly, the focus groups did not emphasize issues of family law and cost barriers. Because family law issues were not directly addressed by the focus groups and because the Committee did not have the resources to conduct focus groups specific to family law, the Committee strongly recommends that the State Bar Family Law Section fund and conduct focus groups and develop recommendations specific to family law. Furthermore, because the Chief Justice’s Pro Se Working Group is addressing issues related to representation, including cost, the Public Trust and Confidence Committee endorses the Pro Se Working Group’s on-going study and deliberation.

As a natural outgrowth of the action plan, the Committee recommends convening a Leadership Forum in 2001, after the action plan has been presented at conferences statewide. The Leadership Forum will join the leaders of the judiciary, the organized bar, law enforcement, local government and community groups to discuss strategies for carrying out the action plan. The Committee urges the leadership from the above-named entities to focus their early attention on the juvenile justice system, as well as securing adequate representation for low-income people by increasing funding and resources to the State Public Defender’s Office. Those issues received resounding support from the entire committee and focus group participants.

The format of the action plan consists of three main subsections: issue descriptions, findings and strategies. Each is supported by state and national research, direct quotes from participants in the April and May 2000 focus groups conducted by the Committee, and newspaper articles, where appropriate.

It is the sincere hope of the Public Trust and Confidence Committee that the judiciary, the organized bar, law enforcement, local government, and community organizations will embrace the ideas put forth in this plan and will take the lead in implementing the plan’s recommendations.

Action: Provide Equal Treatment in the Justice System

Description:

People should believe the justice system to be free of bias and prejudice and should experience it as a system that treats people equally, regardless of race, color, national origin, religion, gender, sexual orientation, age, marital status, social status, economic status, mental or physical disability, or limited English proficiency.

The unequal treatment of people in the system is a broad subject that encompasses many other issues addressed in the action plan, including lack of empathy for people in the system, attorney/judicial isolation in the community, and the selection and treatment of jurors.

“White kids get treatment. Black kids get time.”

- focus group participant, spring 2000

Findings:

Focus group participants said that judges, attorneys, and judicial system personnel who are out of touch with the community are likely to treat people in the system unfairly and unequally because they do not understand lives that differ from their own. People want to feel understood. If more judges and attorneys were active in the community, people in the system would perceive the system as being more relevant and attuned to their lives.

Participants also said that race and class matter. There is a feeling that it would be difficult, if not impossible, to escape bias in the justice system because bias permeates all levels—law enforcement, attorneys, judges, juries, and corrections officials. Not only did some members of the focus groups perceive the system as being unfair, national and state statistics show that members of minority groups are more likely to be arrested than white, and are more likely to be sentenced to prison.

“They didn’t let me talk in the courtroom because I didn’t know all the fancy terminology.”

- focus group participant, spring 2000

The 1999 National Center for State Court’s survey found that 70 percent of respondents agreed that blacks as a group receive

Men and women are treated equally.

ABA - 50 percent agree

People from different racial and ethnic groups are treated equally.

ABA - less than 50 percent agree

Minorities make up 58 percent of Wisconsin's prison population.
Criminal Penalties Study Committee

“somewhat worse” or “far worse” treatment from the courts. In Wisconsin, a November 14, 1999 *Milwaukee Journal Sentinel* article reported that although blacks make up about 30 percent of the city’s population, they receive more than 55 percent of its municipal citations. Several months later, the newspaper reported that a national study identified Wisconsin as a “vivid example” of where black people are “targets of the war against drugs to a degree that is far disproportionate to actual rates of drug crimes.” Perceptions concerning unfairness in the system are reinforced by media reports, including the following headlines:

“State lawyers seek study of racial profiling”

Milwaukee Journal Sentinel, November 14, 1999

“State No. 2 in racial gap in drug sentences”

Milwaukee Journal Sentinel, June 7, 2000

“Civil rights group targets justice system”

Associated Press, May 5, 2000

Strategies:

1. Treat comparable offenses equally, across gender, class, and racial lines

“My son is in a federal penitentiary in Minnesota. I think the PD tried to work for my son, but the judge treated him unfairly. Just before my son was sentenced, a white man was sentenced and given drug treatment instead of prison.”

- focus group participant, spring 2000

- Support statewide efforts to address racial profiling.
- Endorse the recommendation of the Criminal Penalties Study Committee to create a Sentencing Commission.
- Conduct an examination of the disparities that exist within communities in the issuance of either citations or state charges for the same offenses. For example, small amounts of drugs may result in misdemeanor criminal penalties versus forfeitures; or retail theft charges may result in state criminal penalties versus forfeitures.
- The Director of State Courts Office could sponsor a pilot project to conduct spot checks around the state on disparate penalties in various municipal courts.

2. Improve the public defender system.

In the 1995 Legislative Session, the state legislature cut \$18 million from the budget of the State Public Defender’s Office (SPD), in part by increasing the number of cases assigned to staff attorneys, without adding additional staff. Each staff attorney’s caseload now far exceeds the maximum caseload amounts recommended by the American Bar Association and by the SPD, meaning less time is available for each case and each client. In addition, eligibility for a state public defender is currently set at the 1982 eligibility standards for Aid to Families with Dependent Children. Courts are increasingly forced to appoint counsel in cases where the SPD eligibility standards fall short, putting a burden on the county and the property taxes for that particular county. Finally, private attorneys who take public defender appointments are paid so poorly that many refuse to participate.

Minorities make up only 10 percent of the state population.
Criminal Penalties Study Committee

- Increase the hourly rate for attorneys who take on public defender cases to reflect the rate set by the Wisconsin Supreme Court for court-appointed attorneys. Raising the rate for public defender cases would foster broader attorney participation.
- Provide SPD clients with adequate legal counsel time allotment per case by increasing funding to the SPD. Additional funding would pay for more staff attorneys and more private bar appointments to alleviate case burdens.
- Raise the indigency standards to reflect today's poverty levels.
- Educate people about the system to help clarify misperceptions about the public defender system (e.g. "the judge and court-appointed attorney are both paid by the state, how is that expected to be fair?")

"I didn't go to court expecting a fair shake."
- focus group participant, spring 2000

3. Ensure that the justice system and its employees treat all people equally and respectfully.

- The Director of Judicial Education requires judges to participate in a prison tour at least once a term. There should be an emphasis on including not only judges, but also the entire court staff, to increase sensitivity and awareness regarding defendants.
- Court staff should also be required to learn firsthand about community programs, such as restitution, community service, alcohol or drug abuse programs, juvenile delinquency prevention, and others.
- Develop a training session devoted to empathy and respect for people in the system, including victims, offenders, witnesses, etc. The session could be held at the annual meetings of public defenders, prosecutors, law enforcement, clerks of court, and judges.

4. Expand programs that join the community and the legal system.

- Cooperate with state law enforcement to expand the Milwaukee County Community Prosecution model to other cities statewide. Community prosecution is a proactive crime fighting approach that creates partnerships among prosecutors, law enforcement, public and private agencies, and the community. Prosecutors work directly with police officers and community members in a targeted area to solve "quality-of-life" crime problems. Quality-of-life crimes include, but are not limited to, graffiti, property damage and disorderly conduct. Prosecutors develop and implement innovative strategies to educate the public about the criminal justice system and to prevent crimes. The goal is to produce long-term, sustainable, positive changes in a targeted neighborhood.
- Explore establishment of public defender offices in high-crime neighborhoods.

"My public defender didn't have time to listen to me. I just wanted to be heard."
- focus group participant, spring 2000

Two percent of state's
black population is in
prison as of Dec. 1998
Criminal Penalties Study
Committee

0.17 percent of state's
white population is in
prison as of Dec. 1998
Criminal Penalties Study
Committee

Lawyers' perceptions of bias in the justice system differ according to race of the lawyer, similar to the perceptions of the general population.
ABA/NBA

- Establish “community courts” in metropolitan areas. Community courts deal with quality-of-life crimes and are usually found in larger cities. The Midtown Community Court in Manhattan was created in response to the frustration local residents and merchants felt over high levels of misdemeanor crimes and their perception that the justice system was not effectively addressing the problem. The Committee recognizes logistical difficulties, including the provision of court security, with conducting court proceedings in the community.

Example of community courts in Portland

Eligibility: People charged with committing a violation or misdemeanor in four Portland police precincts.

Case Types: Four crimes make up 92 percent of the cases heard: theft/shoplifting (52 percent), drug or prostitution free zone trespass (27 percent), prostitution (8 percent), and alcohol-related offenses (5 percent). Other eligible offenses include disorderly conduct, graffiti, and misdemeanor drug and gambling offenses. Sentences include community service and social service components.

Statistics: Of the 1247 people who have appeared in community court as of June 30, 2000, 74 percent have successfully completed community service sentences.

Governance: An advisory committee composed of citizens and government agency staff oversees the courts.

5. Provide an opportunity for effective participation in the system for pro se (self-represented) litigants and those who have language barriers.

- Support the Chief Justice’s Pro Se Working Group.
- Increase the availability and quality of foreign and sign language interpreters available to the courts. The Committee supports increasing the rate paid to interpreters, hiring a coordinator to oversee training and certification, and expanding availability of interpreters to family and civil cases. The Director of State Court’s Committee on Interpreting and Translation in Wisconsin Courts put forth these, and other, recommendations.
- Create instructions for forms in different languages that are readily available to users.

“No one who works in the system relates to me.”
- focus group participant, spring 2000

Action: Encourage Judicial/Attorney Involvement in the Community

Description:

The judiciary and attorneys should be in touch with the needs of the communities that they serve. Increasing public confidence in the justice system is dependent on people knowing the

decision-makers, trusting the decision-makers, and understanding the legal process.

“Police, and others in the system, should be more active in the community. If they came to community events, other than during election time, I’d trust them more.”

- focus group participant, spring 2000

Findings:

Judicial/attorney isolation from the community seems to create two distinct outcomes. First, people who are not part of the legal system feel that system participants are out of touch with and removed from their day-to-day lives. Judges and attorneys who are active in the community are perceived to be more trustworthy and more attuned to societal problems than those who are not. Both of these attributes improve the quality of decision-making. People believe that judges who do not understand their lives cannot make just decisions about their lives.

Second, judicial/attorney isolation from the community can result in the community lacking an understanding of the legal process. Focus group participants expressed this concern. They shared a concern about not understanding the public defender system (and its fees) and not understanding the legal documents that they are asked to sign. Judges and attorneys who participate in community education help clarify the misconceptions and misunderstandings about the legal process.

Most lawyers do not contribute enough to their community through donations of time, legal services, or money.

ABA - 43 percent agree

Strategies:

1. Increase judicial and attorney participation in (and connection to) the community and enhance judicial and attorney responsibility for public education.

- Make community involvement a mandatory responsibility that is part of being a public servant/elected official. Amend the Supreme Court Rules to encourage judges’ community involvement that does not compromise the appearance of impartiality in pending or potential cases. A similar effort has been implemented in California, where the Standards of Judicial Administration include a section regarding the role of the judiciary in the community.

“You shouldn’t need a degree in English to understand the court process.”

- focus group participant, spring 2000

**Courts are “out of touch”
with what’s going on in
their community.**

NCSC - 66 percent of
African Americans agree
39 percent of Whites agree
54 percent of Hispanics
agree

- Provide attorney CLE ethics credit for community service work. Attorneys need to increase their commitment to educating the public about the judicial system. There have been many valuable efforts by the judiciary and the organized bar to increase public understanding of the judicial system, including efforts to expand the role of volunteers in the courts. These efforts need to increase. The focus groups demonstrated a significant lack of understanding of the judicial system. The lack of understanding leads to feelings of distrust.
- Establish “People’s Law School.” People’s Law School is comprised of a series of informational seminars on specific aspects of the law that most commonly affect people’s lives. Attorneys and/or judges who have experience in a specific area of law, such as juvenile or family law, present programs in plain English. Many programs exist in Wisconsin, such as the Wisconsin Association of Minority Attorneys program in Milwaukee, the People’s Law School in Richland Center, and Appleton’s Citizens Police Academy. These programs should be expanded and others begun.
- Establish an “Adopt-a-Neighborhood” program or an “Adopt-a-High School” program. Law enforcement, attorneys, judges, and other court personnel sign up to work with student groups at a particular school or in a particular neighborhood. (These programs can be done outside the community in which the official lives.)
- Participate in Law Day Events. Law Day (May 1) is a perfect opportunity for everyone in the justice system to do his or her part in educating people, young and old, about their rights and responsibilities as citizens. Law Day programs often have themes—such as health care planning, juvenile justice, and family law. Attorneys and judges can participate by hosting programs at the courthouse, or they can reach into the community by offering programs, including legal aid, at local schools, community centers, and malls.
- Host legal Question & Answer in the community. Attorneys host an evening of free legal advice at the community center or library on commonly asked legal questions, such as landlord/tenant problems and driver’s license reinstatement. If the attorneys cannot answer the questions, they can at least direct individuals in the right direction with consumer guides from the State Bar or on the State Bar’s consumer Web site, www.legalexplorer.com.
- Get involved on community boards. Agree to serve a term on the board of a neighborhood center or other nonprofit boards that interact with those who feel most vulnerable in court. This involvement will open communication with other community leaders.
- Speak at community functions such as school graduations, school programs, neighborhood gatherings, civic organizations, and parent/teacher association meetings.
- Volunteer to coach a high school mock trial team.

“There is no voluntary fellowship in the community between those who work in the system and those who just live in the community. They only show up to get re-elected.”

- focus group participant, spring 2000

- Participate in neighborhood cleanup projects with juvenile offenders who have been ordered to do so by the courts.
- Institute a “Court-At-School” program. Judges, attorneys, and defendants agree to host the proceedings in a high school auditorium or gymnasium. Court is an eye-opening experience for youth because they witness first-hand the sentencing of a defendant, such as a drunk driver or drug offender. Logistical issues, including court security, need to be addressed during the planning process. Several counties in Wisconsin have successfully implemented the “Court-At-School” program.
- Present an annual “state of the justice system” speech in each county. While declining any comment on pending cases, judges, attorneys, and law enforcement could report on caseloads and new initiatives and open the floor to comments and concerns from the citizens. Communities could also establish local advisory boards to provide feedback on issues related to court operations, and serve as a sounding board for new justice improvement initiatives.

“Judges should do community service, too!”
- focus group participant, spring 2000

Percentage of people who were considered “knowledgeable” about the court system based on their responses to questions.
ABA - 26 percent

Action: Enhance Satisfaction with the Juvenile Justice System

Description:

The laws governing the juvenile justice system have become significantly more punitive in recent years, and much media attention is given to youth crime. Contrary to public perception, the juvenile crime rate has steadily decreased in recent years. However, recent studies and articles of the juvenile justice system appear to reflect racial disparity in treatment at every stage of the process.

“Study: Minority youths get harsher treatment in juvenile justice system”

New York Times, April 26, 2000

“Kids who break law no longer given leniency in our state courts”

Green Bay Press-Gazette, August 17, 1999

“The juvenile justice system is terrible. There is no decent rehab. They told me that my problem was that I’m a lesbian. Most of the girls I was in (detention) with had been raped and beaten by the time they were 13. There was no help for us.”

- focus group participant, spring 2000

The juvenile justice system should be equipped to deal with offenders swiftly and creatively to help end repeat offenses. The Committee did not debate whether the juvenile justice system is too lenient or too harsh. Instead, the

Committee focused on ways to create more immediate responses to misbehavior, ways to create more of a partnership between parents and the juvenile justice system, ways to improve understanding of problems unique to juveniles, and ways to cross cultural, racial, and class barriers.

Findings:

Although the Committee had not identified the juvenile justice system as one of its priorities, problems with the juvenile justice system were raised in three focus groups.

In La Crosse, three sets of parents of children who had been involved in the juvenile justice system felt that their children had been treated too mildly by the court and thus had failed to learn the lesson their parents had sought. Additionally, the parents stressed a need for less delay and more immediate consequences for misbehavior.

The focus group recommended creating more “realistic” consequences for juvenile offenders and making parents part of the decision-making process.

“We need to be creative and inspire kids not to go to jail.”

- focus group participant, spring 2000

Although African-American youth age 10 to 17 are only 15 percent of the United States adolescent population, they account for 26 percent of juvenile arrests, 46 percent of juveniles in correctional institutions, and 52 percent of youths transferred to adult criminal court after judicial hearings.

Building Blocks for Youth

A 1996 study in Minnesota found higher recidivism rates for youths transferred to adult court compared with youths who stayed in juvenile court.
Building Blocks for Youth

In Milwaukee, the juvenile justice system was again a topic of concern. Participants in one of the focus groups believed that white children are treated mildly, but black children are treated severely. White children receive probation and treatment; black children go to prison. Participants in a second focus group believed that courts are unnecessarily lenient with juveniles, thus creating a false sense of security. When the youth becomes an adult, “the hammer comes down.” Like the La Crosse group, the Milwaukee group felt that judges did not support parents’ attempts to discipline and teach their children. This group suggested that children should learn about the court system and consequences for illegal activities in school.

Additionally, the group recommended more alternative and diversionary sentencing that incorporates teaching, and rehabilitation programs as part of probation.

Strategies:

1. Increase understanding of the juvenile justice system and improve communication within the juvenile justice system among justice system professionals, parents, and juveniles.

- Train justice system professionals who work with juveniles on child development, discipline, and learning techniques, and addiction treatment and relapse.
- Create parent liaisons to help parents understand and navigate juvenile delinquency proceedings, similar in concept to victim-witness advocates or court-appointed special advocates. Liaisons could help parents become more effectively involved in their child’s juvenile court process or could, at least, provide information to parents to help explain the process.
- Courts should work with the media and elected officials, pointing out and promoting good community programs and encouraging positive publicity about them.
- All justice system professionals should take responsibility for the juvenile justice system when faced with questions or concerns from parents or others. For example, rather than saying, “That’s social services’ (or the police’s) (or the district attorney’s) bailiwick—you’ll have to talk to them,” justice system professionals should attempt to address the concern from the outset.

“Our juvenile system doesn’t know what it’s supposed to be doing. Does it punish? Does it rehabilitate? No one knows.”

- focus group participant, spring 2000

2. Improve the responsiveness of the juvenile justice system to deal with offenders swiftly, effectively, and creatively.

- Encourage juvenile courts to find creative ways to work with parents to deal with drug, alcohol, and tobacco use by children. The methods developed should recognize that children will experiment, and should focus on prevention of abuse and addiction, treatment, and prevention of relapse.
- Support funding to provide treatment programs for juveniles outside residential treatment facilities.

- Focus on diverting more children from the justice system as quickly as possible after the offense. Over the years, the juvenile justice system has tried to become more efficient, but the demands of due process and the burdens of a bureaucratic system cause built-in delays that have proved difficult to overcome. If children could be given immediate consequences for actions, in a less formal setting, instead of being charged in juvenile court, it could prove to be more effective for children and more satisfying to their parents.
- Focus on community role models in order to capitalize on the strengths of the child's extended family or community. Develop more intensive supervision programs that include alternative sentences, treatment, and development of strong relationships with role models or mentors. Create incentives for programs to take high-risk children, and refrain from punishing programs for trying and failing.

Action: Increase Empathy in the Justice System

Description:

The public views the justice system in terms of law enforcement, attorneys, judges, support personnel, and, in some cases, social services. The public's experience with any of these organizations influences its trust in the justice system.

While being helpful is one criterion the public uses to measure satisfaction, the level of empathy is equally important. Surveys show that courts do fairly well in being helpful but are less successful in demonstrating empathy. In addition, public confidence is diminished when justice

system entities publicly debate differences of opinion, participate in the "blame game," or do not adequately communicate.

"Don't they know how hard all of this is for me and my family?"

- focus group participant, spring 2000

Findings:

The La Crosse focus group expressed concern for the lack of empathy for participants in the justice system. For this group, their trust and confidence in the justice system had a lot to do with whether people who work in the system cared about the impact of the experience on litigants' lives. On the other hand, focus group participants recognized that people working in the system might lose empathy because of the sameness of cases or as a self-defense mechanism to avoid becoming personally concerned with the cases that come through the system. The Milwaukee focus group suggested that the judiciary, organized bar and community collaborate on activities to improve people's understanding of each other.

The justice system is a highly personal experience. It is very important in the life of the person who touches the system, and he or she wants the people in the system to know that every case is important, no matter how routine. There needs to be a focus on the individual involved in the system and on the impact of these experiences on the victims, defendants, jurors, witnesses, and the public in general.

Court Personnel are helpful and courteous.

Wisconsin – 67 percent agree

NCSC – 74 percent agree

ABA – 61 percent agree

"Court personnel speak in monotone voices about matters severely critical to our lives, without showing a great concern for the impact of their judgments."

- focus group participant, spring 2000

Strategies:

1. Develop training for all justice system professionals concerning empathy.

Develop a training program that helps public employees involved in the justice system treat clients as individuals and understand the impact of their attitudes upon the public's trust and confidence.

2. Institutionalize the collection and distribution of information to court users.

- Institutionalize the use of exit questionnaires for litigants, defendants, attorneys, and victims that ask how they were treated by the system. Questions may deal with subjects such as courtroom decorum, civility among the participants, and timeliness.
- Provide information to court users that address common concerns. Examples of this information include:
 - Prepare statewide handouts that list the locations and hours of operation for driver's license examiners office to assist individuals seeking to reinstate their licenses.
 - Prepare a roster of local attorneys, which includes a list of names, addresses, and telephone numbers, to assist individuals seeking legal assistance. In addition, provide information about the services of the State Bar's Lawyer Referral Information Service.
 - Prepare a layperson's glossary of legal terms.
- Encourage creation of local court Web sites and promote their use at the courthouses.

3. Increase interagency communication to improve service to each other and to the public.

- Institutionalize mechanisms that improve communication and resource sharing among multiple agencies. Mixed messages and inaccurate information results when multiple agencies are not aware of other justice system agency policies or procedures.
- Jointly establish rules, policies, and educational materials on issues involving multiple agencies.

Judges do not give adequate attention and time to each individual case.

NCSC – 61 percent agree

(During my experience in the justice system) I felt like I was on an assembly line.

Wisconsin – 49 percent agree

Action: Improve the Selection and Treatment of Jurors

Description:

Jury service is a valued and respected citizenship duty. The justice system should ensure that the juror system is administered fairly, treats jurors with dignity, and respects their service by efficiently managing all aspects of the jury selection process.

One of the primary issues in ensuring the fair and equal treatment of people in the system is to administer a jury system that fairly represents the community (see “Equal Treatment in the Justice System”).

Findings:

Former jurors generally have positive things to say about the jury process and the Wisconsin court system. Most focus group participants found their experience to be more interesting than they expected and were treated well by court personnel. However, jurors did express some concerns about logistics and the fairness of the process for plaintiffs and defendants. Several people commented that they had faith in the jury system, but would not be as confident in it if they were members of a minority group.

Some of the challenges to serving as a juror expressed by the participants include personal expense, day care, and short notice. Jurors were also frustrated by their inability to submit questions because they sometimes felt that they did not get all the facts of the case and doubted their ability to make decisions in complicated cases.

“The jury system is hard on people who work. I am a solo veterinarian. I had to arrange for another vet to cover my clinic and I had to pay him for the day so I could report for jury duty. I ended up not getting called—but I still had to pay for someone to cover my business.”

- focus group participant, spring 2000

The importance of juror selection and treatment has been recognized within the Wisconsin court system. The Committee of Chief Judges has created a subcommittee to pursue initiatives concerning jury management. Wisconsin will also be represented at the national Jury Summit in January 2001.

The jury system is the fairest way to determine guilt or innocence of a person accused of a crime.

ABA - 78 percent agree

Strategies:

1. Provide jury lists that are representative of the community.

Because parties can eliminate individuals called for jury duty during voir dire, the justice system cannot guarantee a jury that is representative of the community. Still, the justice system should ensure effective mechanisms are in place to compile representative source lists and draw prospective jurors. If segments of the population are underrepresented during

Most juries are not representative of the community.
NCSC - 56 percent agree

Juries are the most important part of our justice system.
ABA - 69 percent agree

the qualification process, the equality and fairness of the jury process is diminished. The following strategies will assist in ensuring a representative list of jurors:

- Decrease the number of undeliverable summons.
- Actively address nonresponses to summons.
- Investigate the use of additional source lists.

2. Increase the accuracy of the source list provided by the Department of Transportation (DOT).

- Implement mechanisms to ensure that those individuals that are deceased are deleted from the source list.
- Encourage enactment of legislative change permitting use of DOT lists containing names of only those citizens whose licenses or identification cards have been renewed during the previous two to three years. A recent change in the law extended the time period between license renewals from four to eight years. Using information that is only updated every eight years will lead to additional summons delivery problems.

3. Institutionalize citizen education and regular review of jury management practices.

Conducting a regular evaluation of the jury management system can provide guidance on improving citizen education and can assist jury management practices.

- Create a permanent jury improvement commission to review jury management issues and to provide citizen education in Wisconsin.
- Produce public service announcements promoting the importance of jury service. Ask court officials to send a personal letter of endorsement to their local radio stations.

4. Use juror and prospective juror time efficiently.

When a citizen is called for jury duty, the system should ensure that the individual is not overly burdened in terms of time or lost income. The following mechanisms accomplish this by ensuring that we are not overcalling the number of jurors and by providing them with ample notice of their responsibilities.

- Use management reports to call appropriately sized jury panels.
- Provide prospective jurors at least 48 hours notice on the requirement to appear.

5. Increase juror understanding of court process.

Increasing jurors understanding of the court process, including the case that they are asked to hear, is beneficial for the system and to the satisfaction of the juror. The system benefits from having a better-informed and more confident juror, and the juror has a better overall experience. The following strategies will assist in increasing juror understanding.

- Expand orientation sessions to include information about the court calendar.
- Allow juror note-taking.
- Expand the use of preliminary jury instructions.
- Develop “plain English” jury instructions.

- Create an inexpensive, easy to understand juror handbook for prospective jurors.

6. Ensure thoughtful treatment of jurors.

The thoughtful treatment of jurors is essential to public trust and confidence because jury service is one of the primary sources of information individuals use to form an opinion about the justice system. In addition, jurors are in essence “volunteering” their time to the justice system. Recognition and respect for this time commitment fosters public trust and confidence in the system. The following strategies can assist in providing thoughtful treatment of jurors.

- Increase per diem for juror service.
- Ensure adequate parking for jurors at the courthouse.
- Review the feasibility of either providing childcare for jurors or providing compensation for childcare.
- Survey juror attitudes on experience as a juror (Juror Hotline).
- Establish facility guidelines for juror accommodations.
- Treat juror personal information with consideration.
- After each case, discuss the jury’s questions and concerns.

Jury duty is an important source of information about the justice system.
ABA – 57 percent agree

Final Report of Focus Group Discussions

Submitted by Laura P. Hartman

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Note: All quoted statements, phrases, or words throughout this report came from the group participants and are in their own words.

Focus Group No. 1 La Crosse: April 27, 2000

Demographics:

Six participants - experiential background:

1. White female 1: Son was adjudicated delinquent. Her experience involved her proceedings in connection with her son, as well as one experience as a juror.
2. White female 2: Experience involved obtaining a temporary restraining order (TRO) against a young man who was interested in her teenage daughters. Also was placed in custody for one night after her teenage daughter reported to the police that she had been abused by her mother. The charges were dropped after a finding of no evidence.
3. White female 3: Experience involved her own hearings related to her mental illness. It appears that these were commitment hearings, though this was not completely clear.
4. White male 1: The man was a private investigator and had experience in court as a witness. He was also the subject of a TRO hearing at which the complaint was dismissed.
5. White male 2: Experience involved small claims court hearings through his work in the insurance industry, as well as one call to a jury, though he was not chosen.
6. White male 3: Landlord who had experience in small claims in both his capacity as landlord (tenant disputes), as well as a general contractor. He also had experience as an expert witness in connection with building claims.

Question Areas:

While each discussion included, of course, tangents from the following questions, the list below includes the foundations of the discussion and example questions:

1. Experience/demographics questions. (In what type of court process have you been involved, both recently and throughout your life?)
2. Questions surrounding their experience with the process. (In your perception, did you think that the court process was challenging or pretty easy to get through? Did you understand the process of the case? Is it currently too complicated? How could it be made more clear?)
3. Questions surrounding the environment of the courtroom/process. (Did you experience politeness and respect in the courtroom? In the rest of your case process?)
4. Questions surrounding cost/barriers issues. (Did you feel that the length of time it took between the beginning and end of your case caused you to have bills you could not pay? Did you feel that the length of time was unnecessarily long? Did you settle the case or handle it in any way other than you would have otherwise because of the financial burden it was placing on you?)
5. Questions surrounding fairness. (Is the use of a formal process the best way to resolve a case; or are some better decided by mediators? Did you feel that the court had all the information necessary to reach a fair decision in your case? Do you feel that you had adequate opportunity to explain your situation to the court?)
6. Suggestions/resolutions/ (Did the process meet your expectations? Exceed them? Fall short of them? Were your expectations impacted by what you have seen of this process in the media? How can we address *any* of these issues in order to make your experience a better one?)
7. Ideas/perceptions about the other issues from other focus groups.

Overall Group Perceptions:

Empathy. There were several overall perceptions that were represented by some if not all of the participants and that continued to be mentioned during the course of the discussion. The first of these general areas relates to concern for a lack of “empathy” to the experiences of the participants on the part of court personnel. While the committee was interested in learning about any concerns relating to a lack of civility in the court experience, the most significant challenge for participants in the court process was instead, a lack of understanding about the impact of the experience on these people’s lives. For instance, one woman remarked, “don’t they know how hard all of this is?” The complaint was that the court personnel often spoke in a “monotone voice” about matters severely critical to these peoples’ lives, rendering judgment of one form or another without a show of great concern for the impact of the judgment. This included not only traditional court judgments but also the responses of court clerks, bailiffs, and others associated with the court process.

Specifically, in connection with one woman’s experience with her delinquent son who kept running away, she was greatly disturbed that no one in the court process seemed to care a great deal about how difficult this might be for a mother to experience. While the court experience with subjects of mental illness might be expected to differ somewhat from the standard experience, the woman who was the subject of commitment hearings also expressed a similar disregard for the impact of the experience on her as an individual.

In fact, this mother believes that a mistake occurred in connection with her son’s incarceration as a direct result of the clerk’s failure to “care about the case.” The boy was to be sent to “secure custody,” but the clerk wrote down “un-secure,” so the boy was able to immediately escape and was once again a runaway. Her comment in connection with this situation was that the clerks seemed to lack “passion” for what they do and who it impacts; and therefore they are not as careful as they otherwise could/should be.

Similarly, the gentleman who had been served with a complaint requesting a TRO felt that waiting for five days to adjudicate the complaint evidenced a lack of empathy for the subject of the TRO (himself). Finally, the woman who had sought a TRO against her daughter's admirer strongly felt that those involved in that case did not seem to appreciate the impact of a case like this on a family.

Overall, in connection with this concern for "empathy" or a greater understanding of what the participants must be enduring, it appears that perhaps there may be two responses. First, it might be true that court personnel try not to "get involved" emotionally in a case in order to protect themselves from burnout or to better separate their personal emotions from the professionalism demanded in their workplace. Second, since they are dealing with numerous cases everyday, and since this might be the only case in which this participant is currently involved, there is an imbalance in terms of the attention expected from both sides of the case.

The general impression was that the court personnel want to treat people fairly but that they "get tired of this everyday." Possible suggested resolutions to this challenge included simply encouraging personnel to go through a training program that focuses on compassionate communication and understanding the actual impact of a case on a participant. Also, participants generally believed that there should be more judges and support personnel so that they were not overworked, and they could therefore "pay more attention" to the issues presented by any one case.

Sensitivity to Parents Concerns when Dealing with Juveniles. The second issue that arose, unexpectedly, involved the courts' treatment of juveniles found guilty of a crime. The parents who participated in the focus group (three) chastised the system emphatically in connection with the resolution of juvenile cases. Their concern was that juveniles, their own included, were treated too *mildly* by the court and therefore not only failed to learn the lesson the parents sought, but as a result, were practically encouraged to continue the behavior that brought them there.

In particular, one woman explained that she had brought her son to court seeking more than a "slap on the hand" since he had engaged in a serious legal violation. To the contrary, however, the court treated it with "nonchalance" and informality. In fact, she felt sufficiently frustrated with the process that she stopped the proceeding before the judge moved on to the next case and asked the judge to speak a bit more strongly to her son. She was concerned that, since the court did not treat it with a great deal of severity, her son may be left with the impression that "it was not a big deal."

Moreover, she was concerned, especially with juvenile offenders, there is an overwhelming need for greater immediacy of the process. Once the proceedings had begun against her son, it took several weeks before he went before the judge. In cases of children, the process loses a certain cause and effect result—the effect happens so long after the original actions that the lesson may be lost on the juvenile.

This same sentiment was repeated by the other parents in the session. "Juveniles think the system is a joke," said a participant. One gentleman expressed his concern that his daughter was let off after several weeks of court inactivity with absolutely no ramifications when she was brought in on drug charges. The shared concern was that the law establishes standards that are not completely upheld by the courts, and that the court falls short in its obligation to "reprimand."

Overall, the sentiment that was consistently repeated was that these were extremely personal, serious issues that people brought to the courts; but that the court treated them as if they were "everyday occurrences."

Specific Responses to Issues Presented:

Clarity of Court Process. In general, all involved claimed that they understood the court processes. The one exception to this sentiment was the woman who had been involved in the mental illness adjudication. She felt, instead, that the process was not explained to her nor was she involved, though this may have been the result of that particular hearing experience.

In particular, however, there were several comments about ways to enhance or ameliorate the process. In one situation, the TRO complaint filed by one woman was delayed by a week because she checked the wrong box

on her form. She said that she understood the forms, in general, but this one area confused her and it cost her some time. In another situation, the woman whose son had run away also had a few questions. “It irked me that I had to go to the courthouse two to three times.” They both expressed a desire to have an individual available to them as a resource during the time the forms are completed or when the process begins. While there were people who eventually answered some of the questions for these individuals, the focus group participants did not feel that it was these people’s jobs to do so.

After a full discussion of this issue with the group, it seems that everyone believed that the process could be greatly simplified if even one person were available to them solely for the purpose of answering questions. In this regard, the group also suggested that the court send a one-page information sheet about the small claims process to all complainants and defendants. They believed that this summary page would be extremely helpful in ensuring appropriate preparation and preventing continuances or other delays.

One additional comment on the process was one man’s dismay at the default judgment procedure. Notwithstanding the fact that he was usually the complainant in the small claims hearing, he felt it seemed patently unfair to send out a notice by regular mail when someone might be subject to a default judgment if they fail to appear.

Courtroom and Process Civility. Overall the participants had satisfactory experiences overall in terms of the civility of court personnel. The police, in particular, were mentioned in several cases as being polite. While several of the participants were actually the subjects of police action, they understood that the police “were just doing their jobs.”

On the other hand, as mentioned above in greater detail, it was during this portion of the discussion that the participants expressed extreme dissatisfaction with the “unemotional” treatment they received from court personnel during their cases.

Costs/Other Barriers. No barrier to the process was mentioned, though several individuals expressed a deep concern with frivolous lawsuits. Their concern was based on the fact that one has to spend what they believed to be a great deal of money and emotional energy defending themselves from something that should not have been filed in the first place. They had no suggestions for ameliorating this challenge to the process.

On the other hand, no one felt that money could “buy a case” or that the case always went to the one who spent the most money. For those who had been jurors or who had opinions on this issue, they believed that the difference may be strongest between older, more experienced lawyers and younger, less experienced ones.

Mediation. Those that had experience with mediation felt that it was a fair and effective process. However, one individual felt that it was completely ineffective in connection with her divorce. “I knew what was going to happen before I got there,” she said. One suggestion from the group as a whole was to provide individuals with far more information about the process prior to its commencement. In other words, these participants felt that it would be valuable to have a one page description of the mediation process, suggestions as to what kinds of documents or other materials they should bring to the mediation, what to expect, who would be present, and so on.

Other Issues. The participants agreed that one cannot gain experience or perceptions of the court process from fictionalized television shows, but they were not clear as a group where they did gather their impressions. They also chastised the media for getting “too involved before the judgment,” preventing people from having fair jury trials.

Summary of Action Steps Suggested by Participants:

1. Implement a training program for court personnel that focuses on compassionate communication and understanding the actual impact of a case on a participant.

2. Add judges and support personnel to prevent overworking. They could therefore “pay more attention” to the issues presented by any one case.
3. Encourage more “realistic” reprimands for juvenile offenders and include parents in decision-making, if necessary.
4. Appoint one person to the clerk’s office solely for the purpose of answering filing and process questions.
5. Send a one-sheet description of small claims and mediation/arbitration to complainants and defendants in advance.

Focus Group No. 2

Milwaukee: May 10, 2000

Demographics:

Twelve participants - experiential background (race is included given the lengthy discussion of racial issues):

1. White female 1: Sister's boyfriend is in jail after being charged with operating a motor vehicle while intoxicated (OWI). He had been sober but, seven years after warrant was issued, he turned himself in and was sentenced to seven and a half months. She had also been in jail years ago for OWI.
2. Black female 2: Some experience when she was younger but recently her 20-year-old grandson was caught smoking marijuana. Her grandson was refused medical treatment for his asthma while in jail. Her 35-year-old daughter is also in jail (she was released to Metro but is now back at County).
3. Black female 3: Involved in the system 10 to 15 years ago. Her 40-year-old son has been involved since he was 20, in and out of the system; "prison hasn't helped him!"
4. Black female 4: Nineteen-year-old son in system; she herself was in correctional facility at age 16 for driving without a license.
5. Black male 1: Involved in traffic issues; his grandson recently has had some experience with the system. Has served on three juries.
6. Black male 2: Director of a family resource center; has also been in prison.
7. Black female 4: No experience, but her friends have been involved in the system and she believes that they are all treated the same. "They think all blacks are criminals."
8. Black female 5: Husband, son, and brother currently in jail. Says that she is treated horribly when she visits them, so she can only imagine how terribly they are treated. Son wrote letter to this project outlining his experience and where changes could be made (*see appendix*).
9. Black female 6: Relatives have experience and herself as a youth.
10. Black female 7: Two sons involved in system.
11. Black female 8: Son is in jail.
12. White male 3: Just recently released from prison after serving eight months for drug-related charges.

Question Areas:

The discussion with this focus group session was lively and, at times, hostile in connection with issues of race and the impact of race and race-based economics on procedural fairness. The question areas remained relatively indistinct compared to other groups since the discussion took a more in-depth look at the issue of race.

1. Experience/demographics questions. (In what type of court process have you been involved, both recently and throughout your life?)
2. Questions surrounding fairness of the court process. (What are your general impressions about the court system and what can be done to improve one's experience? In your perception, did you think that you or others were treated fairly by each representative of the court—judges, attorneys, and so on? Did you understand the process of the case?)
3. Questions surrounding the environment of the courtroom/process.

Overall Perceptions:

The following is a summary of the group's conversation, rather than a general overview followed by responses to specific questions. They covered many relevant areas, though not necessarily in a question-and-answer format.

Racial Tensions. The group consensus is that race matters—period. In fact, it was on this topic that the rest of our discussion remained during the entire time slot. While we discussed the variety of questions as written throughout the session, racial stereotypes and discrimination were overwhelmingly the largest hurdles to fairness in the court system.

“They don’t let us talk in the courtroom because they know we’ll talk in street talk and don’t know all of the fancy words and technical terms. Maybe it’s not deliberate discrimination on behalf of the court, because everyone in jail of course thinks they’re innocent. But the system is hypocritical.”

“I didn’t go to court expecting a fair shake.” This quote was from an older gentleman commenting on his first run-in with the system when he was a teenager.

“I’m telling you the jury had their mind made up before anyone said a word. I didn’t get good representation and I was screwed before the court process even started. I complained to the Bar and, of course, nothing ever happened.”

“The judge said my son was guilty before he had even said a word. But of course the police and the attorneys didn’t care what the white woman involved in the case had done. She was white and she was a woman and so they left her alone.”

“I think the [public defender] did try to work for my son, but the judge treated him unfairly. Just before my son was sentenced, a white man was sentenced and given drug treatment instead of prison.” The group chimed in, concluding that white men get treatment, while black men go to jail.

It should be noted that these references did not differentiate between “corrections” or “police.” Overall, the participants referred to the unfair treatment by “the courts” and “the system.” The system to them seemed to include police, district attorneys, public defenders, judges, probation, parole, corrections, and so on.

Additionally, these concerns do not center on just one area of the system, such as sentencing, but run the gamut through the process. “We are not treated fairly from day one.” The suspicions, investigations, questioning processes—all are included in the group’s determination of bias. While some mentioned positive experiences with members of the Bar or bench, others felt that it would be difficult, if not impossible, to escape bias in the court system since it permeated all levels.

Finally, there was a concern about how critical these decisions are since the labels follow you for life. If you are unfairly convicted or receive a felony conviction instead of a misdemeanor, the label stays with you. In fact, labeling affects all criminals, not just the ones who feel that they were unjustly or unfairly convicted; even those “rightfully” convicted are stuck with a label for life.

The group suggested that better outplacement and literacy programs for released felons might serve to ameliorate this burden. One woman mentioned, however, that the burden on ex-felons was so great in Wisconsin in particular that she and her family were moving as soon as her husband was released. “It is not a black man’s state.” On this same topic, they requested that the system better prepare families for the return of their loved ones, what it will be like, what to expect, and so on. This could include marriage counseling or anger management classes, for

instance. The programming that does take place, the participants complained, usually happens too early in the inmates tenure that they do not remember it when they are released much later.

On this topic, one woman remarked:

My husband is black. He is a felon and he's never going to get a job. Don't put me into a box of stereotypes. I've been with the same man for 22 years and we've had 4 sons together. I want to keep my family. I fight for my family. Not all black women are single moms. My sons had a father when they were growing up. But we still had problems. And now, they've shipped my husband to prison in Minnesota. How can we keep the family together? I know that he messed up and he has to serve his time. He gave up some of his freedom when he made his mistakes, but why does that have to punish the family? He's close to getting out and I want to keep him out. I need him close to the family.

When asked what else could be done to alleviate some of these problems, several participants mentioned that jurists should speak publicly against those that stray from the path of fairness. They specifically mentioned, however, that the judges, attorneys or police should have spoken out against Clinton during the Lewinsky scandal. "When people do wrong, someone should tell the community, 'I see that this is wrong and will do something.'" Now, one man laments, his son thinks what Clinton did was "cool."

Race versus Class? "There is a terrible hypocrisy of race and class ... If you have money, you can get away with murder." When asked, however, if it was both a class issue and a race issue, the members of the group generally returned to the race question. But, one woman mentioned that she was treated very poorly when she went to visit her imprisoned family members unless she was wearing her Salvation Army uniform. Only then was she treated with some respect.

Process Challenges. A concern with the system for publicly appointed counsel was expressed several times—"I don't pay this guy. The same people who pay the judges pay this guy. What should you expect?" Moreover, there was a strong feeling that there is built-in bias in the entire system because, for the most part, the participants are black males and the system is run by whites who "don't relate to the defendants' lives." Beyond simply referring to public defenders, they also mentioned probation officers and judges... "they don't look like us, how could they ever understand us?"

Participants also questioned how well a public defender could understand their particular situation. "If you're from Brookfield, you don't know our problems." They suggested that perhaps there should be guidelines for hiring public defenders, or at least for assigning them to cases, that require some experience in the field. This recommendation could also be extended to probation officers, judges, or attorneys who "had no clue" what their lives are like and therefore are not effective.

One man who had been charged with a drug offense noted that the system was severely slow and that he had to see the judge multiple times for seemingly no reason.

The group also commented that there is a general lack of understanding about the documents to which attorneys and judges ask the defendants to plea or sign.

Finally, the group commented about the "ineffectiveness of the system." One woman said that, although her family members deserved to be punished for "messing up" and breaking the law, they come out of the system much worse off than when they entered. Everyone agreed that the system is wasted time and very harmful. "Prison time is bogus. It is ridiculous, wasted time."

Legal Environment for Youth. This was one of the more interesting areas of inquiry. In contrast to the experiences and opinions of the focus group in La Crosse, these parents believe that there is a great distinction between the way black and white youth are treated in the court system. They believe that white youth are given a

slap on the hand, while black youth are treated more severely. In addition, white youth are sent to rehabilitation programs or receive probation that includes treatment, while black youth are simply sent to prison.

Summary of Action Steps Suggested by Participants:

1. Outplacement and literacy programs for released felons might serve to help individuals reenter their communities and families.
2. Preparation for families for the return of their loved ones—what it will be like, what to expect, and so on. This might include marriage or family counseling for released felons and their families.
3. Several participants mentioned that jurists should speak publicly against those that stray from the path of fairness. “When people do wrong, someone should tell the community, ‘I see that this is wrong and will do something.’”
4. Guidelines for hiring or at least assigning public defenders, probation officers, judges, and attorneys to cases requiring some experience in the field. This might also include relaxing the guidelines for all system employees to allow former offenders to hold jobs in the system.
5. Stop moving prisoners away from families.

Focus Group No. 3

Milwaukee: May 10, 2000

Demographics:

Eleven participants - experiential background (race is included given the lengthy discussion of racial issues):

1. Black male 1: Community partner, previously was involved in the system.
2. Black male 2: Community partner, was involved in the system, now knows others involved.
3. Black female 1: Community partner and crime prevention specialist, works with courts and friends in the system.
4. Black female 2: No experience but knows friends who have been involved in the system. Also, her son worked as a corrections officer.
5. White female 3: Lots of experience in the system and lots of friends involved in the system. She entered the system at age 13 and has been in and out ever since. When she first entered the system, they told her that her problem was that she was gay.
6. Black female 4: Experience through family and friends.
7. Black female 5: No experience but knows friends who have been involved in the system.
8. White male 3: No experience, just moved here.
9. White female 6: Community organizer, used to work for defense attorneys.
10. Black female 7: Works in the victims of crime program with at-risk youth
11. Black male 4: Personal experience years ago; now works with at-risk kids as a childcare supervisor as director of the ombudsperson program.

Question Areas:

As in the first group in Milwaukee, the discussion with this focus group session was lively and, at times, hostile in connection with issues of race and the impact of race and race-based economics on procedural fairness. A description of the group's conversation follows, however, the question areas remained relatively indistinct compared to other groups since the discussion took a more in-depth look at the issue of race.

1. Experience/demographics questions. (In what type of court process have you been involved, both recently and throughout your life?)
2. Questions surrounding fairness of the court process. (In your perception, did you think that you or others were treated fairly by each representative of the court—judges, attorneys, and so on? Did you understand the process of the case?)
3. Questions surrounding the environment of the courtroom/process.
4. Questions surrounding cost/barriers issues. (This specifically focused on racial implications.)

Overall Perceptions:

Again, following is a summary of the discussion, rather than a general overview followed by responses to specific questions since the discussion was so active. It seemed that many relevant areas were covered, though not necessarily in a question-and-answer format.

Racial and Economic Tensions. As mentioned above, the discussion with this group tended to focus a great deal on issues of race and economics. There is a strongly held belief among all group participants (across race) that race plays a critical and detrimental role in the court process and decisions and that there are two systems at play—the white system and the black system. There was no question among group members that one's race severely impacts the outcome of a case. In addition, a secondary though related area of concern was the impact of one's income on the outcome of a case. One of the first statements uttered during the discussion was, "Justice is like a commodity, either you got money or you don't." And others shared this same sentiment in terms of the type of attorneys one could afford by saying, "using public defenders is like buying a Pinto instead of the Cadillac" (implying that those who could pay would get the Cadillac).

There was a general consensus that the court listened to all comers, but that black individuals (and black males, in particular) were going to be treated differently from all others. This concern reached beyond the court, as well. There was no doubt in the minds of this group that every black person would sometime experience an automobile stop for "driving while black." The group noted that being pulled over because you are black is just considered part of life for the black community; leading to their mistrust of police and of the system. Another man commented that he would not drive in the white neighborhoods after dark because he knows there is about a 75 percent chance that he will get pulled over. One woman said that her son was stopped continuously in one rural area until he told the police officers that he worked at the nearby correctional facility. The stops ceased. It is largely because of this perception that the participants shared their common distrust of the "system."

"Young men in particular feel railroaded, then immediately labeled. That's the cycle, especially for felons. They get out and can't get a job. So, it continues and even guys wanting to be good guys turn bad."

There were no specific recommendations for solutions to this racial tension.

Process Challenges. As a separate issue, the group expressed a concern about their common lack of understanding about the court process. One woman claimed that one now seems to have to pay for public defenders and that she learned this while she was in court. They believed that the system is set up in Wisconsin where one cannot get a public defender or probation officer without paying for them. Another shared his concern that defendants (especially youth) are asked by their attorneys to sign documents but that the attorneys never explain what it is that they are signing. The defendant does not even know the nature of the document.

Moreover, the group expressed a common frustration at the language used during legal proceedings and in legal documents. They said that the documents, as well as the judges and attorneys, were extremely difficult to understand and, by virtue of misunderstandings, many people might make the wrong decision. "You shouldn't need a degree in English to understand the system." One participant contends that he/she knows an employee who "didn't know any better. He copped a plea; now he's marked for life."

As the first solution to this particular hurdle, the participants suggested that the court appoint someone similar to a "victim's advocate" whose sole responsibility would be to ensure that all defendants understand exactly what they are doing, why, what might happen next, and the implications of various decisions. One man asked, "where can I go before I have to go to court to find someone to explain this to me?"

The second solution mentioned a number of times was to reduce the caseload given to public defenders. The worry was that public defenders have too many cases and therefore (1) cannot adequately prepare for their hearings, (2) cannot gain a complete understanding of the implications of the decisions in each case, and (3) do not have sufficient time to discuss the situation with the client or explain to them the process or implications. They argued that, since economics and race are intertwined in this community, the ones more likely to have this type of

representation would be black. Consequently, if the public defenders' caseloads were reduced, the black community would have better, more effective, and attentive representation.

On this same point, some contended that it was the probation officers who were too overloaded and who also have too much control. "They don't enforce the conditions for probation, so the youth stop listening and obeying. The whole process is chaotic."

The third solution to this hurdle, the group concluded, was to teach kids more about the system beforehand—before they enter the system or before they are lured into the criminal activity. If they understand the legal process better, they will be more likely to understand it once they are involved in it.

Prison Conditions and Rehabilitation Programs. The participants expressed a concern not only about the conditions in Wisconsin's prisons, but also the intent of imprisonment. With regard to the former, several individuals mentioned a high price per minute for telephone calls that prevent families from continuing to keep in touch during the time a family member was incarcerated. Transferring family members to other states also placed an enormous burden on the family to remain emotionally close.

It was the participants' perceptions that the whole system is out to make money, that penitentiaries are seen as big business and, as one gentleman noted, that the "justice system should use the dollar sign as its symbol."

With regard to the intent of imprisonment, group members shared their apprehensions about the perceived failure to focus on rehabilitation and even prevention. They think that the whole system is "schizophrenic" and that the system cannot decide if it is supposed to penalize or rehabilitate. They said that rehabilitation is completely ineffective. One man remarked that "drug treatment only lasts 30 days and I can't even quit smoking in 30 days. How can they expect that to work?"

Legal Environment for Youth. Contrary to the opinions expressed in both the La Crosse group and the first Milwaukee focus group, this group had a different impression of the impact of the court system on young offenders. While the La Crosse group strongly believed that youth were let off the hook too much, and the first Milwaukee group believed that it was simply that white youth were let off and black youth treated harshly. This group believed that the courts are tough on kids in a different manner. The group contended that courts were unnecessarily lenient on youth offenders in order to create a false sense of security. Once the youth becomes an adult, the same crimes for which he only received a "slap on the wrist" when he was young now bring "hard time."

By not pursuing the cases to the fullest extent of the law when the offender is young, this group worried, the courts are (whether advertently or inadvertently) trapping the young adult as he reaches adulthood with a different set of standards and expectations. "It sets up kids to think it's no big deal. But when they're adults, the hammer comes down." In addition, as was mentioned in the first group, if a child steals, the parent usually will say that this is not right and they will have to "pay" for it. But when they take them through the legal system and nothing happens, that means the judge is not supporting the parents and the parents are the ones who will have to pay later.

There was a consensus that juveniles driving without a license was one of the most prevalent ways that youth get caught in the system and never "escape." They argued that something needs to be done to ameliorate this situation. One woman said that kids are forced to do community service because they drove when they were 13. Now they cannot get a license because they have not finished their service nor can they get into drivers' education classes. They (the system) said that their record will not follow them, but it does.

One gentleman said that it was his impression that the children's code was originally appropriately punitive but that it had recently changed. Now, he claims, the power has been taken away from the parents, schools, and communities and kids are placed back out on the streets immediately after engaging in wrongful behavior. The result of this, he claimed, was "to create more jobs for themselves, for social workers, who are usually white women like yourself." Instead, the participants asked, why are kids not taught early in their schooling about the court system and the implications of violations? In addition, once a juvenile is involved in the system, the group suggested more programming and teaching, and that all probation should include rehabilitation programs. "We need to be creative to inspire kids not to go to jail."

Judges and Attorneys as Active Participants in Community Activities. When asked whether members of the group noticed judges, attorneys, or other court personnel involved in community activities, they said that they absolutely did not. “There is not a lot of voluntary fellowship going on as neighbors.” They said that they would appreciate seeing the individuals at neighborhood potlucks or activities such as that, as long as they were not “politicking.” On the other hand, one woman mentioned that the decision to place two assistant district attorneys in the Harambee neighborhood is a great decision and that their presence has been very important.

On a positive note, those who expressed a desire to see the representatives more often at these events also said that seeing them there would increase the level of trust that these participants had in the court system. “They would be more fair. They would know what we go through.”

Prosecution of Hate Crimes as Basic Assaults. One woman said that she was gravely distressed that the district attorneys seemed to be diminishing the importance of hate crimes by prosecuting them as if they were standard assaults or batteries. “Shooting a deer out of season brings more time than a hate crime assault.”

Final Note. When asked what types of solutions they might suggest, one young man asked me, “If we can see all these problems, why can’t they see them? Why can’t you?” (meaning me, the court system, the judges, and so on).

Summary of Action Steps Suggested by Participants:

1. The group recommended that the court appoint someone similar to a “victim’s advocate” whose sole responsibility it would be to ensure that all defendants understand exactly what they are doing, why, what might happen next, and the implications of various decisions.
2. Reduce the caseload given to public defenders.
3. Teach kids more about the system beforehand—before they enter the system or before they are lured into the criminal activity.
4. Recommit to rehabilitation and to creating a more humane environment for prisoners, such as more reasonable priced telephone calls and sensitivity to family situations before prisoners are transferred to other states.
5. Revisit the issue of sentencing for youth offenses with an awareness of the potentially dangerous and enticing messages that minimal sentences or probation send.
6. Encourage greater community participation by Bar members and jurists.
7. Review prosecution of hate crimes.
8. Review rehabilitation efforts for juveniles in the system. One woman remarked that, when she entered the system at 13, all the girls she met had been either raped or beaten and there was no treatment for them.

Focus Group No. 4

Appleton: May 11, 2000

Demographics:

Ten participants - experiential background:

1. White female 1: Counselor for domestic violence and OWI offenders.
2. White female 2: No experience with the system.
3. White female 3: Experience through her family and serves as an advocate for individuals involved with a local homeless shelter.
4. White female 4: No experience except a speeding ticket.
5. White male 1: No experience.
6. White male 2: No experience.
7. White male 3: Experience only through his divorce.
8. White female 5: Her daughter was a victim in a criminal trial, traffic court experience, and divorce court.
9. White female 6: Family and friends have been involved in the system.
10. White male 4: No in-court experience, just from newspaper and television. Has also tried to evict someone.

Question Areas:

While each discussion included, of course, tangents from the following questions, the list below (and in connection with each focus group) includes the foundations of the discussion and example questions:

1. Experience/demographics questions. (In what type of court process have you been involved, both recently and throughout your life?)
2. Questions about fairness. (Is the justice system in Wisconsin generally fair and honestly run? Do you think the quality of justice depends on the litigant's race, gender, or ethnicity? If you have had experience with the justice system, do you think that you (or others) were treated fairly? Do you believe people are treated with unequal levels of respect by the state justice system? Do you believe that it is possible to go through the legal process without an attorney? Mediation experience?)
3. Cost/barriers issues. (Do you believe that there are some barriers to the court system that exist for you or for members of certain groups and not for others?)
4. Impressions about the treatment of youth in the system.
5. Questions about bench and Bar community participation.
6. Suggestions/resolutions for challenges.

Overall Perceptions:

Overall, this was one of the most positive groups in terms of the Wisconsin court system. The group generally expected to be treated fairly in the system by the police, attorneys, the judges, and the juries. In fact, as mentioned below, they believe that they would be treated fairly here, while they do not hold the same belief for any other states!

On the other hand, issues relating to differential treatment based on income and race were mentioned, as well as the complexity of the legal process.

Specific Responses to Issues Presented:

Fairness. In connection with the overall fairness of the court system, most participants expect the system to treat them fairly and believe that it does. One area where unfairness was prevalent, however, was in connection with domestic violence. Contrary to what they believed to be the press' representations, the group believed that men are treated harshly by the system and they are generally presumed to be in the wrong if a woman files a complaint. "If a woman is simply scared and she calls the cops on him, he always has to go through counseling, even if her fear was unreasonable." They believe the pendulum has swung too far to the other side, in favor of the woman and against the man.

On the other hand, several participants remarked that the lack of diversity in Wisconsin may lead to unfair results for women and minorities. Several participants expressed a concern for those individuals who might not have "good voices," including children, and were worried that they might not get fair treatment. Moreover, it seems that all of the participants concluded that they could not file a case on their own. Not one had been involved in the small claims process previously and none felt that they could go through any of the court processes without an attorney to help them. The woman who acted as an advocate for homeless individuals said, "It never occurred to me to send someone to the courthouse alone to file a claim!"

On this same topic, the group believed that judges listen to attorneys with a different ear. "It impacts the judge more to hear it from attorneys."

People in the group were also generally a bit concerned about recent cases overturning death penalty convictions. They were worried that the process had failed somewhere and wondered whether we could trust the process anymore for something like a death sentence.

The general consensus, however, is that the court system is a fair one. "I would be more comfortable in Wisconsin's system than in those of other states." "I would trust Wisconsin courts more than any other court system." Juries, in particular, were thought to be quite fair in our state. "In other states, maybe not." On the other hand, some felt that they would prefer to be before a judge than a jury since court cases are so complicated; they worried that juries did not truly understand the complexities of the law and may reach an incorrect decision. In particular, several people said that they would not want to stand to a jury trial in this county if they were Latino or black.

Cost/Other Barriers. The barriers mentioned by the group tended to center on language and cost issues. They believed that non-English speakers would have a tough time navigating both the process and their rights. In addition, they expressed a concern for non-Wisconsin residents who might not be as aware of the law as residents.

One woman who had several family members and friends in the system mentioned their utter confusion with the process. Similar to that mentioned in other groups, she was certain that they did not know what they were signing during a plea bargain or in what stage of the process they were involved. One gentleman who tried to evict a tenant claims to have called several resources to find out how to do this but never received adequate information.

In terms of financial issues, one gentleman shared his observation that courtrooms are generally full of those that appear to have a low income and attorneys, meaning that the wealthy offenders can afford attorneys, but those with a small income have to come in on their own.

Suggestions to effect some change in this area included "bringing it to the people." Participants said that, if people watch television to get their information, get the right information on television.

Community Involvement. The members of this focus group have seen a good deal of community involvement on the part of the bench and Bar and believe that it is important. They claimed that we trust juries

because they are our peers—they know what we go through. We would be more likely to trust judges and attorneys if they, too, knew what we went through. “You’d feel better having them judge you.”

Mediation. There was little experience with the mediation process in Wisconsin. In fact, few were even aware that it existed at all. But, those who had experience thought it to be a valuable and effective process.

Legal Environment for Youth. The members of this focus group believed that youth with money get lighter treatment by the courts than do low income youth. The suggestion from the group is to be more strict about mandatory sentencing so that the judges or juries cannot make their decisions based on race or income. “A crime is a crime. It doesn’t matter if it’s a kid.”

The group then discussed rehabilitation in connection with youth offenders. Overall, the group believed that Wisconsin needs more rehabilitative environments for youth offenders.

“The justice system houses but does not help. We need alternatives! We need to help them, not just toss them in jail.”

“Kids make mistakes. We need to help them to do better. The system is instead a school for being a better criminal.”

Summary of Action Steps Suggested by Participants:

1. Encourage greater balance between the treatment of men and women in the domestic violence area.
2. Be sensitive to the lack of diversity in Wisconsin and the impact of this dearth on jury selection and judges’ decisions.
3. Continue active community involvement on behalf of attorneys and judges.
4. Continue mediation programs, though step up the awareness efforts.
5. Consider developing and implementing rehabilitative alternatives to prison for youth and other offenders.

Focus Group No. 5

Appleton: May 11, 2000

Demographics:

Thirteen participants - experiential background:

1. White male 1: Served on juries relating to sexual assault and delivering contraband.
2. White male 2: Called, but did not serve.
3. White male 3: Served on juries relating to sexual assault and OWI.
4. White female 1: Served on civil jury involving an elderly woman.
5. White male 4: Served on both civil and criminal juries (driving a getaway car).
6. White female 2: Called, but did not serve.
7. White female 3: Served on a civil case.
8. White male 5: Served on juries relating to rape and OWI.
9. White male 6: Called, but did not serve.
10. White female 4: Served on jury relating to property damage during underage drinking party.
11. White female 5: Served on juries relating to burglary and child support non-payment.
12. White male 7: Called, but did not serve; served as expert witness in other cases.
13. White female 6: Served on civil case.

Question Areas:

While each discussion included, of course, tangents from the following questions, the list below (and in connection with each focus group) includes the foundations of the discussion and example questions:

1. Experience/demographics questions. (In what type of court process have you been involved, both recently and throughout your life?)
2. Cost/barriers issues. (Were there any personal problems in your serving as a juror? What could the system do differently in order to alleviate these barriers? What is your opinion about the amount paid for jury duty? Is there anything else the system should be doing to encourage people to serve as jurors or to make the experience a better one?)
3. Discrimination issues. (Do you believe that there are some barriers to the court system that exist for you or for members of certain groups and not for others? Do you believe that in court the person who spends the most money on lawyers and expert witnesses will usually win, even if she or he does not have a strong case on the facts?)
4. Fairness issues. (In the case you experienced, was one lawyer better than another? Did this affect how you decided the case? What impact do you think this had on the jury's decision? Do you think some people are not selected for jury duty because of an unfair prejudice against them? Is a jury system the best way to resolve disputes?)
5. Suggestions/resolutions for challenges.

Overall Perceptions:

The participant generally had positive things to say about the jury process and the Wisconsin court system. They found the experience to be far more interesting than they had expected and they were treated well by all court personnel, especially the bailiffs. They did express some concerns about the fairness of the process for plaintiffs and defendants, alike, and those are articulated below.

Specific Responses to Issues Presented:

Personal Barriers/Challenges to Serving as Juror. For sole practitioners or temporary workers, the issue that came up most often was the cost of serving on a jury. One solo veterinarian mentioned that he had to arrange for and pay someone to cover for him, but then he was not chosen to serve. He still had to compensate this person. A hairdresser had to take the entire day off, even though she also was not chosen. Another woman was a temporary worker who was paid based on the number of hours she worked. Since she was not present due to jury duty, she was not paid.

Everyone mentioned parking as a great challenge. Since most had to find some parking, legal or illegal, they said (jokingly referring to the expected parking ticket) “you’re going to end up in court either way!” In addition, if one is lucky enough to find a spot, they are usually only for two hours. “How can they put two hour spots outside a court house where you’re going to have to stay all day?” The group suggested that they be given some way to ensure that parking is available, whether it is a meter cover, a sticker for their car, access to private parking, or some other alternative.

Another burden mentioned by the group was daycare. Jurors with children mentioned that they should be compensated not only for their time but also for the increased cost of providing for day care for their children.

When asked about compensation specifically, the room erupted with a bit of laughter. They believed that the amount paid was “an insult.” It was suggested that they would feel better about the system if they were given a gift certificate for lunch at a nearby restaurant, or even provided a decent meal for lunch in lieu of payment. (It was also mentioned that magazines that were more recent than five years old would be nice)

Based on many of these burdens, the group suggested that they be allowed to choose the dates, or even the month, during which they were asked to appear and to serve. They also complained about waiting to be told about service until the night before the date called. They said that one extra day notice would have meant a great deal fewer burdens in their planning process.

Fairness Issues. When asked whether money or the better attorney mattered in terms of a jury’s decision, the group responded that the “best show” mattered, but that they could also see beyond that to the actual facts of the case. They were disappointed in incompetent or unorganized attorneys (attorneys who are “obviously out of their leagues”), and believed that this might hamper someone’s case. “In a closing statement, if you don’t bring it all together for the jury, you’re not going to win.” On the other hand, they do not believe that the higher priced attorney will usually win.

The jurors contend that they presume that they do not get all of the facts and wish that they could submit questions. Often times, they argued, they would want additional information or believe that certain facts are missing, but that there was no way to get those questions in front of the witnesses. “If the guy had asked more questions, he could have gotten his man off.”

In fact, the participants seemed more impressed with their co-jurors than with the attorneys. It was not believed that jurors made up their minds early in the case and everyone’s experience was that most jurors were open to discussion. (There was a comment about two black jurors who, notwithstanding the facts, would hear nothing of convicting a black defendant.) One important and repeated comment, though, was that some jurors shy away from convicting anyone because of a fear of putting an innocent person in jail.

In connection with the success and fairness of the jury process, in general, participants felt that it was appropriate in criminal trials. However, they expressed a concern about the use of juries in complex litigation.

Where they were supposed to follow specific laws, a more educated understanding of the law seemed necessary. They worried about juries deciding legal issues that were more appropriately handled by the judge. “I wonder if the judge sits up there saying, ‘gosh, those folks missed the whole point in this case.’”

To ameliorate this situation, they suggested that it would be much better if they were told the law prior to hearing the rest of the case rather than subsequent to the presentation of facts. For instance, they suggested that the judge say, “This is what I am going to need you to answer . . .” “In those cases where judges might feel uncomfortable offering all of the jury instructions prior to the case, itself, one participant mentioned that it would have been helpful at least to have had some idea as to when they would get this information and how the process would work. In this same regard, they wondered about the practice of rendering their judgment, but never learning about what the judge ultimately decided.

In addition, in connection with their decisions, they were confused when they were told to determine damages even if they found against the individual claiming damage. They were also concerned that they did not know the implications of their decisions in connection with the award of attorney’s fees. Where they did not award fees, they did not understand how much the attorneys would actually take off the top of the award. Finally, they wondered about their own capacity to determine damages, in general. They thought that it would be made easier and perhaps less arbitrary if they were given information about damage precedents, etc.

Respect/Dignity in the Court Process. Everyone felt that all court personnel, especially the bailiffs, treated them appropriately. They had glowing remarks about the treatment they received from the bailiffs who were especially helpful and respectful.

However, there was one area that seemed especially distasteful and ill conceived. Many of those who had served on juries found themselves in the same elevator as the defendants they had just judged! They said that consistently they found themselves face to face with those they had just convicted. They asked whether there was not some way to allow jurors to leave the court environment without allowing this to happen.

Advice to Other Jurors. They suggested that the court remind jurors to take notes. They also suggested that, where transcripts will not be available for the jury to review during their deliberation, the judge should inform the jury of this situation before the trial. Otherwise, many jurors choose not to take notes, believing that they will be able to review certain parts of testimony during deliberations. The individuals who made these comments had expected to be able to review transcripts and based the expectation on television depictions of jury deliberations.

Summary of Action Steps Suggested by Participants:

1. Find some solution to the challenge of parking for jurors (a meter cover, a sticker for their car, access to private parking, or some other alternative).
2. Some jurors preferred a gift certificate for lunch at a nearby restaurant, or even a decent meal for lunch provided by the court in lieu of payment.
3. It was also mentioned that magazines that were more recent than five years old would be nice, too.
4. The group suggested that they be allowed to choose the dates, or even the month, during which they were asked to appear and to serve.
5. They also complained about waiting to be told about service until the night before the date called. They said that one extra day’s notice would have meant a great deal fewer burdens in their planning process.
6. The jurors contend that they presume that they do not get all of the facts and wish that they could submit questions.

7. They suggested that it would be much better if they were told the law prior to hearing the rest of the case rather than subsequent to the presentation of facts.
8. The court should ensure that jurors have some alternative exit from the court or that jurors are allowed to leave the vicinity first, before other court participants, in order to ensure that they do not have to face the subjects of the trial.
9. They suggested that the court remind jurors to take notes.
10. They also suggested that, where transcripts will not be available for the jury to review during their deliberation, the judge should inform the jury of this situation before the trial.

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Familiarity Breeds Respect: How Wisconsin Citizens View Their Courts

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The popular image of courts is that they are slow, expensive, and often fail to produce appropriate outcomes. In recent years, a number of extremely visible trials, such as the OJ trial, the second Oklahoma bombing trial, and the Louise Woodward (nanny) trial, seem, to many people, to confirm this image. Yet it is not clear whether this perception of the courts reflects people's actual experiences. A recent study of users of the trial level state courts in Wisconsin suggests that the general views may be inconsistent with what people who go to court actually experience. Persons who very recently were in court reported more positive evaluations than those who had been to court several months (up to a year) ago, and both of these groups of court-users had more positive general evaluations of the courts than did the rest of the population of Wisconsin as measured in a statewide public opinion survey. It appears that, at least in Wisconsin, negativity toward the courts is a function of popular images rather than actual experience.

Complaining about the courts goes back throughout the 20th century and may go back throughout the history of courts. It is not surprising that courts generate dissatisfaction: they are associated with unpleasant things such as criminals, injuries, divorces, and the like. Many, perhaps most, people are probably as likely to choose voluntarily to go to court as they are to choose to have their wisdom teeth extracted. Furthermore, the nature of news reporting serves to feature not the positive and routine but the negative and exceptional. Consequently, it is not surprising that when the public is asked to evaluate the courts, their evaluations are less than whole-heartedly positive.

One of the most cited studies of the public's attitudes toward the courts was conducted more than 20 years ago on behalf of the National Center for State Courts by Yankelovich, Skelly and White. Respondents were asked about their confidence in a variety of major American institutions. State and local courts did not fair particularly well: only 23 percent of the respondents said that they were extremely or very confident while 37 percent said they were slightly or not at all confident. In contrast, the U.S. Supreme Court garnered 36 percent extremely or very confident versus 28 percent slightly or not at all confident, and the comparable figures for the local police were 40 percent and 28 percent. While this survey is very dated, more recent figures show at best only relatively modest improvements.

In response, in recent years, the court systems in a number of states have undertaken research regarding public views toward the courts with an eye toward finding ways to improve the quality of service delivery and public support. Typically these surveys have included a combination of general evaluation questions (doing a good job, confidence, trust, etc.) and specific questions about various aspects of the court and justice system. (For a summary of the evaluations, see the “Court Evaluation Surveys” table on page 65.) There is a striking range in the evaluations produced by these studies. This range is best illustrated by a question asked in a number of studies that had the respondents rate the courts in terms of the level of confidence they had in the state courts; while there were some variations in the exact question wording and in the specific response alternatives offered, the differences in the percentages reporting that they were extremely or very confident in the courts is striking, ranging from 49 percent in Utah (top three categories) to 24 percent in Rhode Island (top two categories) to a low of 13 percent in Florida (top two categories).

A second illustration of the wide range in evaluations is apparent in another set of questions, which asked respondents to give an overall evaluation of the courts in their states. The responses to these questions can be split into positive, neutral, and negative evaluations. Again, these covered a wide range: Ohio, 72 percent vs. 27 percent (excellent, good, or adequate vs. unsatisfactory or poor); Louisiana, 50 percent vs. 36 percent (approve vs. disapprove of the job the state’s courts are doing); New Mexico, 39 percent vs. 51 percent (very positive or positive vs. negative or very negative); and Massachusetts, 21 percent vs. 71 percent (excellent or good vs. fair or poor).

Whether these differences reflect actual differences in the performance of the courts, specific recent local events (a well publicized trial or recent media coverage of the courts), differences in the local political culture vis-a-vis political institutions generally, or methodological effects of specific question wording is not clear.

The Wisconsin study

In 1995, the Wisconsin Supreme Court’s Office of Court Operations undertook a consumer-oriented survey to assess the quality of service Wisconsin courts were providing, and to identify areas for improvement. This endeavor, which grew in part out of discussions that took place at the American Bar Association- sponsored Just Solutions Conference in May 1994, had the goal of assisting the courts in finding avenues through which to improve their operations.

The survey included two key components: a mail survey of persons identified from computerized court records as having been parties in civil, small claims, family, and traffic cases, and an exit survey in which persons leaving the courthouse were handed a brief questionnaire that they were asked to mail back in a postpaid envelope.

A total of 10 counties participated in the mail survey; seven of those same counties participated in the exit survey. The former survey included 35 evaluative items, and the latter 15 items. For purposes of comparison, five questions dealing with the public’s perceptions of the courts were included on a statewide omnibus survey; three of these duplicated items on the mail survey, and two additional asked for general evaluations of Wisconsin trial courts and the Wisconsin Supreme Court (How would you rate the job the Wisconsin [trial courts/Supreme Court] are doing? Would you say that they are doing an excellent, good, not so good, or poor job?).

In addition, data were available from another statewide survey conducted in April 1995 that included the question, “Each county in Wisconsin has at least one trial court which hears cases that originate in that county. Overall, how would you rate the job that these country trial courts are doing in your county, would you say they are doing excellent, good, not so good, or poor.”

Response rates to the two court-user surveys can be best described as adequate. The mail survey sample consisted of 1,597 respondents from whom 522 usable questionnaires were received (32.7 percent); if we discount for bad addresses and those who responded indicating they had never actually gone to court, the response rate was 44.4

percent. The exit survey produced a total of 235 usable responses. We do not know how many of the 1,800 questionnaires that the Office of Court Operations provided to the participating counties were actually handed out (because the distribution was handled by local court personnel), and that prevents estimating the response rate; probably at least half of the questionnaires were distributed which would mean a maximum response rate on the order of 25 percent. The statewide survey, a regular omnibus survey conducted quarterly by the Wisconsin Survey Research Laboratory, produced 416 respondents for analysis, of whom 78 were in the 10 counties included in the mail survey.

The 35 evaluative items on the mail survey of court users covered five dimensions:

- case processing
- safety and convenience
- courtesy, responsiveness, and respect
- court decisions
- public perception of the proceedings

To try to enhance the response rate, the exit survey was shorter: a single sheet with questions on both sides compared to a ledger-sized sheet folded to create a four page questionnaire for the mail survey. The exit survey questionnaire contained 15 evaluative items. On the mail survey, three items dealt with courts in general (cost, delay, and the value of court proceedings as a dispute resolution mechanism) rather than with the respondent's particular case; one of these items (delay) was on the exit survey. The statewide public opinion survey included all three of the general evaluation items.

Evaluations

The most striking aspect of the survey results was the overwhelmingly positive tone of the evaluations reported on both the mail and exit surveys. For only 9 of the 35 items on the survey were as many as 25 percent of the responses in the negative direction, and only two items had a majority of negative responses. In contrast, 25 of 35 of the items had a majority positive response (for eight items there was neither a positive nor negative majority). There was no identifiable subset of respondents who had generally negative evaluations of the courts. One intriguing pattern emerged: the percentage of women giving positive responses was higher than the percentage for men on 34 of the 35 items; although none of the differences were large some were statistically significant, and the pattern overall was very striking.

Analysis of the exit survey showed a clear pattern of difference between the responses to the two surveys: the respondents to the exit survey were consistently more positive vis-a-vis the courts than were the respondents to the mail survey; in fact, there is not a single item for which the mail sample was more positive toward the court than was the exit sample. Some of the more striking differences were:

- About 18 percent of the mail respondents compared to 38 percent of the exit respondents strongly agreed with the statement, "I did not have to wait too long while I was in court."
- More than 50 percent of the exit respondents compared to less than 20 percent of the mail respondents strongly disagreed with the statement, "I was required to complete too many forms."
- Close to 60 percent of the exit respondents compared to about 20 percent of the mail respondents strongly agreed with the statement, "Court personnel were friendly and courteous."
- Less than 10 percent of the mail respondents compared to more than 40 percent of the exit respondents strongly agreed with the statement, "The judge did a good job explaining what was going to happen in court."

- About 12 percent of the mail respondents compared to 37 percent of the exit respondents strongly agreed with the statement, “The court was effective in dealing with the issues of the case.”
- About 22 percent of the mail respondents compared to about 50 percent of the exit respondents strongly disagreed with the statement, “The court decision did not seem fair.”

One possible explanation for the differences between the two surveys is that there were different types of respondents in the respective samples: the mail survey consists solely of plaintiffs and defendants while the exit survey includes witnesses, jurors, law enforcement officers, lawyers, and other regulars around the court house (probation officers, social workers, etc.). The differences could reflect that the courthouse regulars were more positive than those who came in for a particular case. To test this, the means of the “regulars” (lawyers, law enforcement officers, and others) and the “transients” (plaintiffs, defendants, witnesses, and jurors) were compared. For most of the items, the means for the two groups were very close; for only two items was the difference in the two means large enough to conclude that it was unlikely to occur solely by chance. However, for one of these items, the regulars were less positive than were the transients (the item that reads, “I felt safe in the courthouse”). Thus, only for one item (“If I had a complaint about something that happened in court, I would not have any idea what I would do about it”) were the regulars significantly more positive than the transients.

It is worth noting also that intuition suggests that those who are most likely to return a “customer satisfaction” questionnaire (which is what the survey amounts to) are persons who have something to complain about. Thus if one were to predict which respondents would be more critical of the courts, one would probably predict that it would be those returning the exit surveys.

Going to court

When the general population of Wisconsin was asked to provide a general evaluation of the state’s trial courts the ratings were generally very positive. In the Wisconsin Opinions survey (“How would you rate the job that the Wisconsin trial courts are doing?”), 2 percent gave the courts an excellent rating, 56 percent rated them good, 23 percent not so good, and 6 percent poor. In the other statewide survey (“how would you rate the job that [the] county trial courts are doing”), 11 percent rated them excellent, 55 percent good, 19 percent not so good, and 5 percent poor. Thus, 58-66 percent of the respondents gave the courts what could be described as a positive rating.

There were three items in common between the mail survey and the Wisconsin Opinions survey of the general population of Wisconsin, but only one item in common across the three surveys. The one item included in all three surveys is “Court decisions take too long.” More than 80 percent of the Wisconsin Opinions respondents agreed or strongly agreed with this statement, compared to 26 percent of the mail survey respondents, and only 13 percent of the exit survey respondents. On the item, “I think it costs too much to go to court,” more than 80 percent of the Wisconsin Opinions respondents agreed or strongly agreed compared to about 65 percent of the mail survey respondents. Only on the item, “The use of formal court proceedings is the best way to resolve disputes,” could one argue that the Wisconsin Opinions respondents were more positive than the mail survey respondents, and here the gap was relatively small (just under 50 percent of the Wisconsin Opinion respondents agreed or strongly agreed compared to just over 40 percent of the mail survey respondents. However, the Wisconsin Opinion respondents were also more likely to disagree or strongly disagree with this statement (38 percent) than were the mail survey respondents (31 percent).

One possible explanation for the differences between the Wisconsin Opinions results and the two court user surveys is that Wisconsin Opinions covered the entire state (including Milwaukee), and views of the courts might be more negative in the counties not in the court users surveys. To test this explanation the respondents in the Wisconsin Opinions survey were split into two groups, those in one of the 10 counties in the court users surveys and those in

one of the other 62 counties. For one of the items (“I think it costs too much to go to court”) there was a statistically significant difference in the responses of these two groups. However, those in the counties included in the court users surveys are more likely to agree or strongly agree with this statement (92 percent) than are those in the other counties (79 percent), which is opposite what one would find if differences between the counties accounted for the differences between the Wisconsin Opinions survey and the court users surveys.

Does familiarity breed respect?

Adding the Wisconsin Opinions results to that for the mail and exit surveys suggests that the image of the courts held by the population at large is inconsistent with the experiences of those who have recently gone to court. Going to court tends to result in at least a short-term improvement in people’s views of the courts. If what citizens encounter in the courthouse is considerably better than what they expect walking in the door, it is not surprising that they rate the experience in relative positive terms. One prior study of citizen support of the courts found that diffuse or general support went up in response to positive specific experiences and down in response to negative specific experiences. The pattern described here, which shows a strong positive evaluation in terms of the specific experience (particularly as it is remembered very soon after the actual experience), is consistent with this prior research.

Interestingly, it appears that this pattern is probably not unique to Wisconsin. In 1992, Virginia conducted both a telephone survey of the general population and an exit survey of court users. Like the Wisconsin study, the two surveys included similar overall evaluation questions. The question on the telephone survey was, “How would you rate your overall impression of Virginia’s court system? Would you say you are very positive, generally positive, generally negative, or very negative?” The exit survey asked, “What is your overall opinion of Virginia’s court system?”; six response alternatives were provided: Very positive, Positive, Neither positive nor negative, Generally negative, Very negative, Don’t know.

Response to the two surveys was clearly positive, with 60 percent positive on the population survey and nearly 70 percent positive on the exit survey. The telephone survey included questions to identify those respondents who had had experience in the courts in the prior five years, and the report notes that “[i]n general those with recent court experience had more positive perceptions of the court system and the performance of those in the system than did respondents without court experience. This difference ranged from 5 percent to 17 percent on various questions.” This specific pattern did not appear in the survey of the general population in Wisconsin; a question in the Wisconsin Opinions survey asked if the respondent had been to court in the last 12 months but there were no significant differences between those who had and had not been to court. Similarly, a survey in Louisiana oversampled individuals who had “used” the courts in the prior five years; that survey found virtually no difference between those who had and had not.

While the patterns in the Wisconsin, Virginia, and Louisiana surveys are not entirely consistent they do raise questions with what has long been seen as the typical link between court experience and attitudes toward the courts. This view was stated succinctly by Thomas Church, who noted in a 1992 *Judicature* article that, given the nature of most contact that citizens have with the courts, “it is hardly surprising that citizen confidence in the courts declines as familiarity increases.” This view rests primarily on the now 20 year old observation of the authors of the Yankelovich survey that “those having knowledge and experience with the court voice [the] greatest dissatisfaction and criticism.” In contrast, in both Wisconsin and Virginia actual experience in court seems to be associated with more positive evaluations.

Why 20 years ago did experience in courts tend to push people toward negative views while today the opposite appears to be the case? In fact, it is not clear that the linkage described 20 years ago actually existed. The claim that

experiences in court (actually, familiarity with state courts) led to a decline in confidence of the courts and an increased perception in the need for court reform was based on an interpretation of patterns in two tables presented in the report summary, one crosstabulating confidence and familiarity and the other crosstabulating perceived need for reform and familiarity. A reanalysis of the published tables does not show statistical evidence to support the conclusion.

The findings reported here, particularly taken in relationship to the Virginia results and the reanalysis of the 1977 data that have formed the basis of standard wisdom about the linkage between court contact and support for the courts, suggest the need for a major reevaluation of the standard wisdom that contact with the courts leads citizens to view the courts through jaded lenses. We did not set out to do such a reexamination and as a result did not build into our study design the kinds of questions that would have permitted many aspects of what should be included in such an analysis.

Undoubtedly additional states will be conducting studies similar to Wisconsin's over the next several years. More importantly, after more than 20 years, it is time to replicate and extend the 1977 national survey. Ideally, the survey design should include ways of reaching individuals who have had very recent contact with the courts. A general random sample of the population will include few individuals with very recent court experiences.

Understanding public support

If the patterns found in Wisconsin and Virginia turn out to be typical or national in scope, that raises important questions for understanding public support for the courts. While there have been major studies of the factors influencing support for the U.S. Supreme Court, there has been almost nothing focusing on the lower courts over the last 20 years.* To what degree does such support reflect media images of the courts and court cases? To what degree is it closely linked to views of the broad criminal justice system? Does support for the lower courts vary systematically among key demographic groups in ways that differ from support for other local political institutions? Is it a function of how court officials (judges in particular) are selected? The list of possible questions is long, and it is time that we began to answer them.

Finally, the pattern reported here suggests that the dynamics of public support for trial courts may be very different from those for the U.S. Supreme Court. The trial court pattern appears to be an opinion equilibrium that is negative in tone, temporarily disrupted by direct experiences that are relatively positive. In contrast, an analysis of support for the U.S. Supreme Court by Jeffrey Mondak and Shannon Smithey describes a dynamic involving a positive opinion equilibrium temporarily disrupted by controversial court decisions that produce negative spikes in support for the Court. Does this difference reflect institutional differences of some sort (i.e., the role played by the different courts), or does it reflect informational differences? That is, the reactions to the Supreme Court described by Mondak and Smithey flow from news reports of decisions that are often controversial (the controversial nature of the decision being the impetus for the media coverage). On the other hand, the reactions to the trial courts flow from direct personal experience, usually involving courts acting in the routine kinds of ways in regard to the routine types of cases that they are designed to deal with on a day-in and day-out basis.

It might be that if we could track public support for the trial courts in some locale in the way that national surveys track support for the Supreme Court, and then factor in the impact of controversial local cases, we would find negative spikes in support for the local courts similar to those for the U.S. Supreme Court. What this means is that, given that virtually no one has direct contact with the Supreme Court comparable to the routine contact citizens have with local trial courts, we need to be careful in thinking about the impact of specific events, cases, and experiences in assessing their impact on public views of the many levels of courts in the United States.

* A recent exception is Olson and Huth, Explaining Public Attitudes Toward Local Courts, 20 JUST. SYS. J. 41-61 (1998).

Court Evaluation Surveys

State	Question	Response
Arizona May 1997	Level of confidence in the Arizona state courts.	16% a great deal; 56% some; 18% little or no
California Fall 1992	Level of confidence in the California court system.	17% extremely or very confident
Florida 1996	Level of confidence in the Florida state court system.	13% extremely or very; 76% slightly or not at all
Idaho May 1997	Level of confidence in the Idaho state courts.	23% extremely or very confident
Iowa Sept/Oct 1995	Do you approve or disapprove of the job that Iowa courts are doing?	63.5% approve; 21.5% disapprove
Louisiana 1997-98	Do you approve or disapprove of the job the Louisiana Courts are doing?	General public: 6% strongly approve, 44% approve, 23% disapprove, 13% strongly disapprove, 15% don't know or refused. Court users: 8% strongly approve, 48% approve, 22% disapprove, 16% strongly disapprove, 7% don't know or refused
Massachusetts April 1991	Rate the Massachusetts court system.	1% excellent; 20% good; 71% only fair or poor; 8% unsure
Michigan Spring 1986	Level of confidence in the Michigan Supreme Court.	42% extremely or very confident
Mississippi Aug. 1995	Do you approve or disapprove of what your local courts are doing? Do you approve or disapprove of what the Mississippi Supreme Court is doing?	47.8% approve; 31.9% disapprove; 20.1% don't know 36.7% approve; 20.1% disapprove; 42.6% don't know
New Jersey Fall 1992	How would you rate the job the courts in New Jersey are doing? How much confidence do you have in New Jersey courts and judges?	3% excellent; 29% good; 37% only fair; 21% poor; 9% don't know 17% a lot; 51% some; 7% not much; 5% don't know
New Mexico Spring 1997	Do you have a favorable or unfavorable opinion of the court system in New Mexico?	39% positive; 51% negative
North Carolina Aug/Sep 1995	Do you have a favorable or unfavorable opinion of the court system in North Carolina?	35.5% favorable; 32.6% unfavorable; 29.9% neither/no answer
Ohio 1992 or 1993 (mail survey)	How would you rate the job Ohio's courts are doing in dealing with criminal cases? How would you rate the job Ohio's courts are doing in dealing with civil lawsuits?	0.5% excellent; 16.9% good; 52.5% adequate; 25.4% unsatisfactory; 4.8% poor 0.5% excellent; 13.1% good; 61.8% adequate; 21.7% unsatisfactory; 2.9% poor
Rhode Island March 1989	Level of confidence in Rhode Island courts.	Extremely 4%; Very 20%, Somewhat 44%; Slight 22%; Not confident 11%
Utah April 1990	Level of confidence in Utah trial courts (using 1-7 scale).	7, 4%; 6, 14%; 5, 31%; 4, 24%; 3, 10%; 2, 6%; 1, 3%
Virginia 1992	Overall impression of Virginia's court system.	60% positive
Washington Jan/Feb 1988	Overall impression of the Washington State Court System.	48% positive; 28% neutral; 23% negative

For a more detailed version of the evaluations and information, see the Web site: www.polisci.wisc.edu/~krtizer.

HOW THE PUBLIC VIEWS THE STATE COURTS

A 1999 NATIONAL SURVEY

BY THE
NATIONAL CENTER FOR STATE COURTS

FUNDED BY
THE HEARST CORPORATION

*The executive summary and introduction of How the Public Views the State Courts
is reprinted with the permission of the National Center for State Courts.**

Executive Summary

- The survey results indicate that the American public gives an average grade to the performance of the courts in their communities.
- Only 10% of the survey respondents felt the courts in their communities handled cases in an “Excellent” manner, with 20% indicating criminal cases and family relations cases are handled in a “Poor” manner and nearly 30% indicating juvenile delinquency cases are handled in a “Poor” manner.
- Hispanic respondents expressed the greatest satisfaction with the performance of the courts. Whites/Non-Hispanics report assessments that were somewhat lower than those given by Hispanics. The opinions of African-Americans were consistently the most negative about the courts.
- Approximately 53% of respondents indicated some personal involvement in the courts, with almost one-half of personal experience taking the form of jury service.
- The proportion of Americans who have served on a jury has grown over the last 16 years, rising from 16% to 24%.
- Respondents who reported a higher knowledge about the courts expressed lower confidence in courts in their community.
- Almost two-thirds of respondents felt they knew “Some” or “A Lot” about the courts.
- Respondents indicated reliance on electronic sources (59%) and print sources (50%) for information about the courts.
- The American public is close to evenly split between those who believe the media’s portrayal of the courts is accurate and those who disagree.

* *How the Public Views the State Court* is available on the National Center for State Courts (NCSC) Web site at www.ncsc.dni.us/PTC/results/, or by calling NCSC at (757) 253-2000.

- Sixty-eight percent of respondents disagreed with the statement “It is affordable to bring a case to court,” with 38% strongly disagreeing.
- Eighty-seven percent of Americans strongly believe that having a lawyer contributes “A Lot” to the cost of going to court.
- Likewise, 42 to 57% of respondents said court fees, the slow pace of justice, the complexity of the law and the expenditure of personal time (e.g., missing work) contributes “A Lot” to the cost of going to court.
- At the same time, the majority of Americans (six out of ten) believe that it would be possible to represent themselves in court if they wanted to.
- Most respondents (74%) “Strongly” or “Somewhat” agree that court personnel are helpful and courteous, but as compared to Whites/Non-Hispanics, African-Americans were significantly less likely to agree with the statement “Court personnel are helpful and courteous.”
- Respondents overwhelmingly believe cases are not being resolved in a timely manner—46% strongly agree.
- Fifty-six percent of respondents agree that “Most juries are not representative of the community” and, as compared to Whites/Non-Hispanics, both African-Americans and Hispanics were more likely to agree.
- Seventy-nine percent of respondents agree that “Judges are generally honest and fair in deciding cases” and, as compared to Whites/Non-Hispanics, both African-Americans and Hispanics were significantly less likely to agree.
- Although most Americans (83%) feel that “people like them” are treated either better or the same as others, that perception is not shared by African-Americans. Two-thirds of African-Americans feel that “people like them” are treated somewhat or far worse than other people.
- Almost 70% of African-American respondents think that African-Americans, as a group, get “Somewhat Worse” or “Far Worse” treatment from the courts, whereas over 40% of White/Non-Hispanic and Hispanic respondents have that opinion.
- Forty-four percent of respondents agree that “Courts are out-of-touch with what’s going on in their community” and, as compared to Whites/Non-Hispanics, all other groups were more likely to agree.
- The vast majority of respondents (81%) agree that politics influences court decisions. This pattern holds across racial and ethnic groups.
- Seventy-eight percent of respondents agree that “Elected judges are influenced by having to raise campaign funds” and, as compared to Whites/Non-Hispanics, other groups were more likely to agree.

Introduction

Early in 1999, 1,826 Americans were asked to express their opinions regarding “the courts in your community” through a national survey funded by The Hearst Corporation. The objectives of the survey were to:

- establish what the American public thinks about the performance of state and local courts in key areas such as access to justice, timeliness, fairness and equality, and independence and accountability;
- clarify what the public believes about basic aspects of court performance and explain different levels of confidence in and satisfaction with the courts;

- provide a model survey that can be used by individual states and localities wanting to undertake a systematic inquiry into what their public thinks about court performance; and
- enhance and refine the knowledge accumulated through surveys conducted between 1977 and 1998.

Particular care was taken to adequately represent the views that members of minority groups hold about the courts. In addition, all respondents were given an opportunity to express their views in their own words, in response to questions inquiring about the most important thing that the courts were doing well or poorly.

Earlier surveys of public opinion about the courts include three major national surveys and 27 surveys commissioned by the judicial branches of 24 states.

The landmark survey was the 1977 “Public Image of the Courts,” commissioned by the National Center for State Courts to inform a national conference, “State Courts: A Blueprint for the Future.” The methodology used was a face-to-face survey of 1,931 adults. The survey was notable for its gloomy picture of the courts’ standing with the American public, the finding that the public was poorly informed about the courts, and its conclusion that “those having knowledge and experience with the courts voiced the greatest dissatisfaction and criticism.”

In 1983, The Hearst Corporation undertook a national telephone survey of 1,000 adults, “The American Public, the Media and the Judicial System: A National Survey of Public Awareness and Personal Experience.” That survey found that Americans were largely ignorant about the legal system, that jury service was experienced by only a small proportion of the population and that public opinion about the courts was strongly influenced by the mass media.

In August of last year, the American Bar Association sponsored a national survey, “Perceptions of the U.S. Justice System.” In the ABA study, 1,000 adults were interviewed via telephone. Relative to previous surveys, the ABA survey findings suggested improvements to the public image of the courts, a vastly increased extent of public involvement with the courts and a positive relationship between such involvement and confidence in and satisfaction with the courts.

Numerous state surveys were conducted between 1984 and 1999. The results of these surveys reveal significant changes in the public perceptions of the courts and indicate that more and more Americans have direct experience with the courts. In several instances, states conducted more than one survey; the trends over time indicate improvements in public knowledge about the courts and shifts, largely positive, in the public’s perceptions of court performance.

Previous surveys have hinted at differences among racial and ethnic groups in how the courts are perceived. The present survey seeks to contribute to this body of knowledge by explicitly searching for points of view that are broadly shared by all Americans and points of view that differ across racial, ethnic and other demographic groups. This survey also examines some new topics related to court performance and investigates in greater depth some of the areas where there is widespread public agreement that the courts need to improve their performance.

Wisconsin State Journal

May 16, 1999

Legal system takes look in mirror

WASHINGTON — What do you get when you coop up 500 lawyers, judges and court system administrators in a hotel?

Hint: This is not an off-color lawyer joke. In fact, it's quite the opposite.

What you get is a no-holds-barred national conference on how to bolster public confidence and trust in the American justice system; a tribal gathering of legal professionals and watchdogs who talked frankly about a system that is simultaneously the best in the world and confronting strains on its credibility.

Delegates from across the United States, including a Wisconsin group led by Chief Justice Shirley Abrahamson, met for parts of three days in Washington last week to talk about real and perceived problems in the legal system, to exchange ideas across state lines, and to come up with a list of items worth acting on once they return home.

From U.S. Chief Justice William Rehnquist to community activists to buttoned-down corporate lawyers, there was broad agreement that too many Americans don't understand or don't trust the legal system. While some participants wanted to blame the schools for not teaching civics and the news media for being obsessed with the sensational, most participants in the first National Conference on Public Trust and Confidence in the Justice System were a self-critical lot. "Lawyer, heal thyself" was the unofficial motto.

Unequal treatment within the justice system, the high cost of getting access,

an unfair and inconsistent judicial process and a lack of public understanding emerged as the four top issues during the conference, which was sponsored by the American Bar Association, the League of Women Voters and a mix of other justice groups. A national poll sponsored by the National Center for State Courts was a starting point for the conversation.

For example, the courts consistently got higher marks than the other branches of government — the executive and the legislative — but a significant number of Americans believe justice is not blind to the effects of race, economic status, political pressure on judges and more. While four out of five Americans polled said they believe "Judges are generally honest and fair in deciding cases," nearly half felt courts are "out of touch" with what's happening in their communities, that it's too costly to bring a case to court, and that everything about the process takes too much time or hassle.

Some participants pointed to successful court outreach efforts in Wisconsin and other states — where public satisfaction levels are generally higher — as evidence that courts need to change with the times. Others said it's largely a matter of the legal system doing a poor job of explaining itself, although they wished the schools and the news media would do more to help them out.

But panelist Mary Hernandez, the vice president of the San Francisco School Board, cautioned against thinking the problems with the justice system boil down to better public relations.

In many ways, participants agreed, the legal system is good — former New York Gov. Mario Cuomo reminded the group that American freedoms and prosperity are linked to a 200-year-old tradition of respect for the law — but it also has flaws that undermine public support and trust. Among problems discussed were:

■ The rising costs of state judicial elections and a corresponding rush of special-interest donations to judges who seek election. That adds to the perception that judges are just like any other politician, some participants said.

■ The jury system needs attention. Most people (including most lawyers and judges) think the selection process is out of whack and that some "juror-friendly" reforms are needed.

As one Maryland lawyer commented, jurors can be the best ambassadors for the courts, but they're too often treated poorly when they serve.

■ Little things count. People who must deal with the legal system are frustrated by courthouses with no directional signs, grumpy clerks, a lack of parking and other inconveniences.

■ Too often, the legal system washes its hands of criminals once they're sentenced. Betty Watts Davis of San Antonio's "Fighting Back" organization urged judges and lawyers to remember that, eventually, most felons come back to the community where they got into trouble in the first place. "We need you to stay connected," Davis told them.

■ Legal fees seem excessive. The national tobacco case was a popular whipping post, but some lawyers cited national figures that indicate legal fees have been constant, overall, since 1990. It's still possible to pay \$350 for a real-estate closing and \$400 for a basic will in most places, they argued, because competition works.

■ Courts need to establish "alternative dispute resolution" processes so that people can get matters settled more quickly.

Progress on any of these points will be slow.

But there's some solace in knowing that most of the nation's leading jurists and lawyers aren't blind to the need to change.

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Perceptions of the U.S. Justice System

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AMERICAN BAR ASSOCIATION

DIVISION FOR MEDIA RELATIONS AND PUBLIC AFFAIRS

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Executive Summary

The American Bar Association commissioned a national survey to: (1) assess the public's current understanding of and confidence in the justice system; (2) identify the public's sources of information about the justice system; and (3) understand what factors drive public attitudes. The survey, which included 1,000 randomly selected respondents age 18 and older, was conducted by telephone interviews between August 6 and August 31 of 1998 by M/A/R/C ® Research, an independent Chicago research firm.

Respondents were asked to: (1) self rate their perceived knowledge; (2) answer a series of factual questions about the justice system; (3) define their confidence in a variety of institutions and professions; (4) rate 50 attitude statements; (5) identify current and preferred information sources; (6) discuss past experience with the justice system; and (7) provide suggestions for improving the administration of justice.

Some of the key findings of this study include the following:

- People strongly believe in the justice system, though they also identify areas that warrant improvement.
- People have confidence in the overall justice system, though the amount of that confidence varies for specific components of the system. Further, that confidence can be influenced over time and by level of knowledge, positive court experience, and personal demographic traits.
- People's knowledge of the justice system is uneven. They recognize some obscure tenets but still lack knowledge about more basic ones.
- Certain attitudes can influence people's confidence in the justice system. There are some confidence drivers that already show quite positive public attitudes. These attitudes should be maintained and strengthened. There are other areas that also influence confidence, but currently show more negative attitudes. These negative attitudes that work against confidence need to be addressed as areas for improvement.

* *Perceptions of the U.S. Justice System* is available on the American Bar Association (ABA) Web site at www.abanet.org/media/perception/home.html, or by calling ABA Divisions for Media Relations and Public Affairs at (312)988-5000.

I. Strong Support for the American Justice System

A. Confidence in the American justice system overall

At least conceptually, there is strong support for the justice system. The data indicate that 80% of all respondents either strongly agree or agree, based on a 5-point scale, that “in spite of its problems, the American justice system is still the best in the world.” Further, the root of this support seems to lie in the jury system, as more than three-quarters, 78%, say it is the fairest way to determine guilt or innocence, and more than two-thirds, 69%, believe that juries are the most important part of our justice system.

B. Confidence in the justice system, its individual components, and other U.S. institutions

Confidence in the justice system was also measured in relation to confidence in component parts of the justice system, and in relation to confidence in other U.S. institutions. Specifically, respondents were asked to rate their confidence in seventeen different institutions in American society, including the overall justice system, particular components of the justice system, other professions and institutions, and the media.

Respondents have the most confidence in the U.S. Supreme Court, with 50% showing strong confidence in this institution and only 15% having slight or no confidence in it. Confidence in other federal courts, in judges, and in the justice system overall is not as strong, with about a third of the respondents extremely or very confident in each institution. Strong confidence in the U.S. Congress is shown by only 18% of the respondents. Strong confidence in lawyers is shown only by 14% of the respondents. The media fared the worst, with strong confidence from only 8% of the respondents and slight or no confidence from 60% of the respondents. This suggests that while a clear majority believes in the justice system there is wide variation in how much confidence people have in the specific institutions that comprise it.

C. Variations in confidence by type of respondent

The current study identified variations in confidence by type of respondent. It found that those with more knowledge have more confidence in the system; that those who have had positive court experiences also tend to have more confidence in the system; and that males, people with higher incomes and higher levels of education are more confident than other demographic groups.

D. Confidence Levels: 1978 vs. 1998

Respondents were asked the same questions about confidence in the 1978 Yankelovich study, which allows us to assess changes in confidence over the past 20 years. Confidence in some key components of the justice system showed significant increases since the Yankelovich study was conducted. The levels of confidence in all kinds of courts—the U.S. Supreme Court, other federal courts, and state and local courts—have increased. Confidence in the local police also increased significantly. On the other hand, confidence in doctors, organized religion, public schools, the U.S. Congress, and, most notably, the media decreased.

E. Influence of knowledge and court experience on confidence

One of the key conclusions of the Yankelovich study, which became the basis for many programs, was, “Those having knowledge and experience with the court voice the greatest dissatisfaction and criticism.” But the current study, along with other research, refutes that conclusion. Specifically, it reveals that the more knowledge people have about the justice system the greater their confidence in the justice system overall as well as in a whole host of its components. In all of the cases identified, people with greater knowledge have significantly more confidence in the justice system than do those with lower levels of knowledge. (“Levels of knowledge” refers to factual information about the courts and the justice system.) Further, people with positive court experiences were also more likely to have greater confidence in the justice system than those who had negative court experiences. There are significant differences in confidence for all parts of the system, except that few people, regardless of experience, have confidence in lawyers and the legal profession.

The findings from this research are supported by a number of studies cited in a recent article from *Judicature*, titled “Familiarity Breeds Respect: How Wisconsin Citizens View Their Courts,” Volume 82, Number 2, September/October 1998, page 58. In particular, a Wisconsin study found that general support for the justice system went up in response to specific positive experiences and down in response to specific negative experiences. A 1992 study conducted in Virginia had similar results, showing that respondents who had more *recent* court experiences had more positive perceptions of the courts and of the justice system’s performance than did those respondents who had no court experience.

The present study found that if people have good court experiences, their feelings did not change; basically, they still felt good about the courts. In fact, 82% of the people did not change their perceptions of the justice system. However, if people’s most recent court experience was negative, their perceptions either stayed the same or changed negatively. This suggests that improving people’s perceptions of the justice system through court experience alone may prove a difficult task. Those with positive experiences are probably not going to improve their perceptions but those with negative experiences have a good chance of becoming even more negative.

The current study also considered whether people’s confidence was affected by how removed in time they were from their court experience. No effect was found; regardless of whether a person’s experience was less than a year ago, or at least one year ago, the levels of confidence were the same.

Thus, this research concludes that knowledge and experience do influence a person’s confidence in the justice system, and that, contrary to the Yankelovich study, those having more knowledge and those having positive court experiences are more satisfied and less critical of the system. Indeed, in the previously cited article from *Judicature*, Herbert Kritzer, professor and chair of political science and professor of law at the University of Wisconsin at Madison, and John Voelker, assistant to the chief justice of the Wisconsin Supreme Court, found after reanalyzing the Yankelovich data, that “It is not clear that the linkage described twenty years ago actually existed.” A re-analysis of the data does not show statistical evidence to support the Yankelovich conclusion.

F. Demographic characteristics of people with the most confidence in the justice system overall

In addition to tracking confidence by knowledge and court experiences, the study looked for the demographic characteristics of people with the most confidence in the justice system. It found that they are more likely to be men, those who have higher incomes, those who are more educated, and those who have positive litigant and juror experience.

Further, there are no consistent differences in confidence along ethnic lines. About the same number of whites and non-whites are extremely or very confident in the overall justice system. The definition of non-white includes African Americans, Hispanics, Asians and others. In spite of a large total sample, 1,000 respondents, there are not enough people to break out separately most of the ethnic groups. Therefore, they are grouped together, with African Americans making up the majority of non-whites.

It should be noted, however, that while overall confidence in the justice system shows no consistent patterns based on race/ethnicity, specific attitudes toward the system do vary between whites and non-whites, with whites holding more positive attitudes in many areas, particularly those that relate to equality of treatment.

II. People's Knowledge of the Justice System

In order to measure knowledge of the justice system, respondents were asked a series of seventeen questions to identify:

- The three branches of government
- The function of each branch
- The U.S. Chief Justice
- The accuracy of ten statements pertaining to the function of courts.

A. Unevenness of people's knowledge of the system

The data from this study indicate that people's knowledge of the justice system is quite uneven. On the one hand, there is some information that virtually all people know. For example, 99% know one of the basic tenets of our system—that anyone accused of a crime has the right to be represented in court by a lawyer; and 96% know the relatively obscure concept that a defendant who is found “not guilty” in a criminal trial can still be sued in a civil trial. (One could hypothesize that people learned this information from the widespread media coverage of the O.J. Simpson trials.) On the other hand, fewer people—two-thirds—know another of our system's most basic tenets, that a criminal defendant is innocent until proven guilty. This means, astonishingly, a third of the respondents believe that the defendant must prove innocence rather than that the prosecutor must prove guilt.

Respondents were asked, in two stages, about the branches of government. First, they were asked on an unaided basis to identify the three branches of government. Only 39% could identify all three and a quarter of the respondents could not identify any of the branches of government. This was surprising since the three branches of government are taught in basic civics and government classes and at least one, if not all, are frequently in the news. It should also be noted that the definition of a correct identification was quite liberal: a person could say the “President,” the “Supreme Court,” or the “House of Representatives” and be classified as correctly identifying a branch. Most people were aware of the judicial and legislative branches, with about two-thirds mentioning each individually, while half identified the executive branch.

After this question, respondents were told the three branches of government and were asked whether the function of each was to make laws, interpret laws or enforce laws. Again, there was only fair knowledge of basic tenets. While most people understood that the legislature makes laws, there was some confusion about the functions of the judicial and executive branches. While about half knew the judicial branch interprets laws, just as many thought its function was to enforce laws. Likewise, while almost half correctly answered that the executive branch enforces laws, some thought it makes laws and some thought it interprets laws. Further, very few people, 17%, could identify William Rehnquist as the United States Chief Justice. An equal number wrongly answered the question, and most, 67%, indicated that they simply did not know. (Given Chief Justice Rehnquist's recent media exposure in the Senate impeachment trial, however, a survey conducted today might well yield different results.)

When one considers the varying degrees of knowledge across all the questions asked, only 26% of the total sample can be considered highly knowledgeable about the justice system. That means only 26% of the people answered thirteen to seventeen of the questions correctly. Just as many people, 24%, were found to have a low level of knowledge, answering at most only seven questions correctly. Though everyone answered at least one question correctly, one person answered only one correctly.

Further, it was not surprising to find that people who are most knowledgeable are those who have the most confidence in the justice system. They tend to be white, middle-aged, male, more educated, and with higher

incomes. In addition, they are more likely to have had experience with the justice system either with lawyers or through litigation.

B. Demographic differences in levels of knowledge

Looking at the data in more detail, significant differences are apparent between whites and non-whites, between men and women, among those 35 to 54 years old and based on whether or not a person had experience with lawyers and litigation. The most dramatic differences lie in the levels of education and income. Those with post graduate degrees, and those who earn more than \$75,000 a year are much more likely than others to be knowledgeable about the justice system.

C. Sources of people's knowledge, by relative importance

When asked where they get their knowledge, most people name school – grade school, high school and, to a lesser extent, college. A substantial number of people, 67%, also say they get their knowledge through personal experience. When respondents were asked about the importance of a variety of information sources, they identified personal experience, schools, and libraries as the most important. Jury duty also is considered important by more than half the people as one form of personal experience. At the other extreme, all forms of media or entertainment, such as movies, videos, television dramas, court programs such as People's Court or Judge Judy, are considered the least important information sources.

When people's rankings of the various sources of information are analyzed in relation to their level of knowledge about the justice system, some interesting differences emerge. Personal experience, schools, books, jury duty and attorneys are equally important to all people. However, all forms of media, such as television news, local newspapers, radio news and even television dramas are significantly more important to people with less knowledge than to people with more knowledge. This clearly suggests that the media can and do impact some people's knowledge base.

Finally, people were asked from whom they want to learn about the justice system. They want to learn from the people who are involved in it and whom they consider most important – current and retired judges and educators. While a little more than half the people want to learn about the justice system from lawyers, this is relatively low compared to the 75% who said they wanted to learn from judges.

While it may be that people view judges as credible information sources, most people, 51%, do not agree that judges are not paid enough. However, most, 54%, do agree that they are extremely well qualified for their jobs. And while most believe that judges contribute to their communities, about a third believe judges do not contribute enough. Education programs involving judges would be a way to improve people's knowledge of the system and promote judges' civic-mindedness.

III. Attitudes That Drive Confidence in the System

The study identified several attitudinal areas that correlate strongly with confidence in the system (or lack thereof). Some of these areas already exhibit quite positive public attitudes, which should be maintained. Other attitude areas are strongly correlated with confidence, but currently show more negative attitudes, which in turn diminish confidence in the system. These negative attitudes represent areas for improvement.

A. Attitudes to be maintained

There are three attitudinal areas that should be maintained. These are respondents' beliefs that: 1) Our justice system is the best in the world, and juries are the fairest way to judge guilt or innocence; 2) court personnel know their jobs and are courteous and polite; and 3) most people have easy access to legal services and lawyers.

B. Attitudes to be addressed—areas for improvement

On the other hand, there are attitudes that need to be addressed. Respondents believe that court costs are too high; that court matters take too long to resolve; that certain groups are not treated fairly in court; that judges and lawyers should perform more community service. There is also room for improvement in their perception of lawyers. Each of these will be discussed individually below.

Respondents were asked whether tax dollars should be used for various programs identified by the ABA as possible improvements to the justice system. Almost all respondents felt tax dollars should be spent for educational programs about the various branches of government and the justice system. They also supported, but to a lesser degree, programs that would make the courts easier to use, such as the hiring of translators.

1. Court costs, duration

Most people, 69%, believe that it is easy to find a lawyer, if needed, and more than half, 54%, believe legal services and courts are easy to access. But three-quarters of the people believe it takes too long to go to court and it costs too much. It is important to change the view that the judicial system is too laborious and costs too much.

2. Lawyers

It also is important to work to improve people's perceptions of lawyers, which vary based on their own experiences. If their experience was positive, they are more likely to have positive perceptions of lawyers. If their experience was negative, they are more likely to have negative perceptions. Further, lawyers are often perceived to be more concerned about their own interests than the public's or the clients'. Finally, lawyers are not considered as civic-minded as judges, and as a result, people do not have much confidence in them.

3. Equality of treatment

A substantial number of people believe that the justice system treats different groups of people unequally. Only about half of the respondents agree that men and women are treated equally; even fewer believe that among racial or ethnic groups or between wealthy and poor people the treatment is equal. In fact, if the data are analyzed by sub-groups, those differences become even more pronounced. People who are less likely to agree that sub-groups are treated equally include women, non-whites, those with lower incomes and less education and those with negative court experiences. These people are the mirror images of those who are more knowledgeable and have more confidence in the justice system – more educated, higher income, white males. Men are more likely and women are less likely to agree that the system treats men and women equally; whites are more likely and non-whites are less likely to agree that the system treats different racial and ethnic groups the same; likewise for the statements about income. This suggests that perceived inequalities still exist. Given this issue's influence on people's confidence, it sorely needs to be addressed.

An important parallel to these results can be seen in the February 1999 issue of the *ABA Journal* entitled "Race and the Law." In a collaborative effort, the *ABA Journal* and the *National Bar Association Magazine* polled 477 white lawyers, 489 black lawyers and 35 lawyers of other ethnic backgrounds. The purposes of this research were to identify lawyers' perceptions of the justice system and to understand *what difference of perception may exist based on race*. The study found that perceptions of racism in the justice system among lawyers of different races are similar to the perceptions among the general population we have discussed above. In some cases, the differences are even larger. It is thus imperative that the issue of inequality be addressed in society as a whole as well as within the legal profession.

4. Lenience in sentencing

Anywhere from one half to three-quarters of respondents feel that convicted criminals have too many opportunities to appeal (72%), that they are set free on too many technicalities (68%), and that they are not given severe enough punishment (52%). On the other hand, more than half, 56%, favor alternative sentencing, such as community service, over jail time.

IV. Conclusion

This study clearly shows that there is strong support for and a firm belief in the justice system. Additionally, it identifies several ways of increasing confidence in the system: through education, to improve people's current uneven knowledge of the system; through actual court experiences; and through focusing on key attitudes that drive confidence among targeted demographic groups.